

# CLOSED VOLUME VOLUME COMPLET

DATED FROM  
À COMPTER DU June/77 TO JUSQU'AU Feb/82

AFFIX TO TOP OF FILE - À METTRE SUR LE DOSSIER

DO NOT ADD ANY MORE PAPERS - NE PAS AJOUTER DE DOCUMENTS

FOR SUBSEQUENT CORRESPONDENCE SEE - POUR CORRESPONDANCE ULTRÉRIEURE VOIR

FILE NO. - DOSSIER N°	VOLUME
411/30-233	1

GC 31d

7540-21-857-8809

Indian Affairs Branch,  
1760 Regent St. S.,  
Sudbury, Ontario, P3E 3K8

December 16, 1939.

Chief Jack Diamond,  
Abitibi Band,  
General Delivery,  
NATHISON, Ontario.  
POK 1N0

(411739-20-1)

BOUNDARY SURVEY  
RESERVE I.R. NO. 70

-- Please find attached a provisional print of the resurvey  
of the boundaries of Abitibi Indian Reserve No. 70.

If the plan is suitable to Council, please favor us with  
a B.C.R. accepting this as the official plan.

  
H. Sharkey,  
District Superintendent,  
Lands, Membership & Estates,  
Sudbury District.

Encl.

mg/del



Indian and  
Northern Affairs      Affaires indiennes  
et du Nord

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to Information Act  
Communiqué en vertu de la  
Loi sur l'Accès à  
l'information

55 St Clair Ave. East  
Toronto, Ontario M4T 2P8  
December 9, 1980

District Superintendent  
Reserves and Trusts  
Sudbury District

Your file      Votre référence

Our file      Notre référence 411/30-1-233 (L9)

Plan of Abitibi Indian Reserve No. 70

Enclosed are two provisional prints of the above subject plan provided by the Regional Surveyor's office asking if the survey is generally suitable and correct.

The survey was performed under Survey Instructions Item No. C.P. 1-80 dated Nov. 2, 1978 & Oct. 1, 1979.

Please obtain Band Council's acceptance of the subject plan as soon as possible.

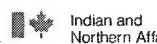
  
S. Fengler  
A/ Regional Land Titles Supervisor

Ontario Region

INDIAN AND ESKIMO AFFAIRS
SUDBURY DISTRICT OFFICE
DEC 11 1980
00051165

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55 St. Clair Avenue East  
Toronto, Ontario M4T 2P8  
May 30, 1980  
Band Administrator  
Abitibi Band

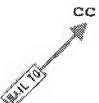
INDIAN AND ESKIMO AFFAIRS SUDBURY DISTRICT OFFICE	Your No.      Votre référence
X 1980	Our file      Nos référence
	401/36-1-2 (15)
	00043213

Attached is the following for your records and information:

- R.S.O. Plans No. \_\_\_\_\_
- L.S./LTS # \_\_\_\_\_
- C.L.S.R. Plan 66782(Item 23-79)
- Reserve General/Land Register

*S. Fengler*  
S. Fengler  
A/Regional Land Titles Supervisor  
Ontario Region

cc.      Sudbury District      District



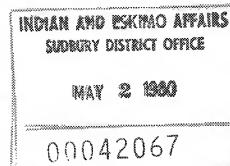
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55 St. Clair Avenue East  
Toronto, Ontario M4T 2P8

Band Administrator  
ABITIBI I.R. #70



Your file   Votre référence

Our file   Notre référence 401/36-1-2 (15)

Attached is the following for your records and information:

- R.S.O. Plans No. \_\_\_\_\_  
 L.S./LTS # \_\_\_\_\_  
 C.L.S.R. Plan 66707  
 Reserve General/Land Register

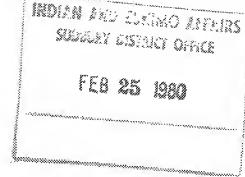
*S. Fenger*  
S. Fenger  
A/Regional Land Titles Supervisor —  
Ontario Region

cc. SUDBURY District

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s.19(1)



TORONTO, Ontario M4T 2P8

*Sheahey*

Your file      File référence:

401/36-1-2

Our file      Note référence:

-Attached are/is a photostat copy/copies of the  
Register for Abelithie # 70 Indian Reserve. One  
copy has been forwarded to the Band Office.  
Please amend your records accordingly.

*M.B. Gillen*  
(Miss) M.B. Gillen  
Head, Land Titles & Surveys  
Ontario Region

Attach.

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L'avenir en dépend.



Energy, Mines and  
Resources Canada

Science and Technology  
Room 301  
25 St. Clair Avenue, East  
Toronto, Ontario M4T 1M2

Énergie, Mines et  
Ressources Canada

Science et Technologie

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Loi sur l'accès à  
l'information

*Handwritten Signature*  
DATE OF ISSUE: OCT 1 1979

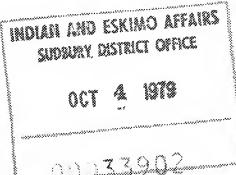
Your file    Votre référence

Our file    Notre référence  
5206-A1    CD

SURVEY INSTRUCTIONS - ITEM 23-79 ONT.

(Please quote this number and file above when writing.)

ISSUED TO: Mr. T. E. Rody, O.L.S.  
T. E. Rody Limited  
136-B Third Street  
P. O. Box 398  
Cochrane, Ontario  
POL 1C0



REFERENCE: Letter: Browne-Rody, dated August 28, 1979  
Letter: Rody-Browne, dated September 12, 1979

DESCRIPTION: Resurvey of Part of the Boundaries of Abitibi Indian Reserve No. 70,  
District of Cochrane, Province of Ontario.  
(Please use this description in your plan title.)

STATUTORY AUTHORITY  
AND INSTRUCTIONS: Canada Lands Surveys Act and the Manual of Instructions for the  
Survey of Canada Lands - Second Edition, supplemented by attached  
Appendices A-1, A-2 and Q, Standard Instructions.

RETURNS REQUIRED: Field notes in plan form suitable to allow future compilation of an  
Official Plan of entire Reserve under Section 43 of the Canada Lands  
Surveys Act.

FIELD LIAISON: 1. Mr. V. Gran, District Manager, Sudbury District,  
Indian and Inuit Affairs, Department of Indian and Northern  
Affairs, Regency Gate Mall,  
1760 Regent Street, South  
Sudbury, Ontario P3E 3Z8  
Telephone: (705) 522-5100  
Please refer to attached Appendix A-1 (3), Standard Instructions.

Continued.....

2. Chief J. Diamond,  
Abitibi - Ontario Indian Band  
Low Bush River  
Cochrane, Ontario POL 1C0  
Telephone: (705) 272-4497  
Contact via Cochrane Indian Friendship Centre, Cochrane, Ontario.

3. Mr. D. H. Browne, O.L.S., C.L.S.  
Regional Surveyor Ontario, Legal Surveys Division,  
Energy, Mines and Resources Canada  
25 St. Clair Avenue, East - Room 301  
Toronto, Ontario M4T 1M2  
Telephone: (416) 966-7503; 7539.

SPECIAL REMARKS: The boundaries to be resurveyed are shown outlined in red on  
enclosure 5.

Our intention is to compile in this office a plan of Abitibi Indian Reserve No. 70 and the Addition to Abitibi Indian Reserve No. 70, using your field notes, C.L.S.R. plan of field notes 65628 (enclosure 6), J. H. Shaw, O.L.S., shore traverse of the Reserve (C.L.S.R. F.B. 473 - enclosure 4) and Speight and Van Nostrand, O.L.S.'s shore traverse of the Addition to Abitibi Indian Reserve No. 70 (enclosure 12).

You are required to make connections to all surveys adjacent to the boundaries being surveyed. In this regard, refer in particular to enclosures 7j to 7m. You are to determine if any additional surveys exist along the aforementioned boundaries and include plans of them (if applicable) with your returns.

You are to determine the position of both banks of the Kaquaquakechewaig Creek between the east rectilinear boundary of the Reserve and Lake Abitibi (refer to C.L.S.R. F.B. 473 - Tracing No. 4 (enclosure 4)).

You must connect by monumented traverse for mathematical closure purposes the following:

1. Your resurvey of the east boundary of Abitibi Indian Reserve No. 70 (C.L.S.R. Plan T886).
2. Your resurvey of Mining Claims T.P.42 and T.P.43 (enclosures 7n and 14).
3. The iron survey posts set by J. Robertson, O.L.S. (enclosure 7a - page 13) and by J. H. Shaw, O.L.S. (enclosure 4 - Tracing No. 1) at the northerly end of the original west boundary of Abitibi Indian Reserve No. 70.

Continued.....

4. The west boundary of the Addition to Abitibi Indian Reserve  
No. 70 (C.L.S.R. field note plan 65628 - enclosure 6).

As mentioned above, we intend to use Speight and Van Nostrand's field notes to plot part of the O.H.W.M. of Lake Abitibi on the compiled plan. Therefore it is important that you connect the 14" Black Ash identified as 53A on enclosure 12 - page 119 to your survey. There is some confusion as to which bar Speight and Van Nostrand connected to opposite traverse station 480 (enclosure 12 - page 119). It is, therefore, important that you connect to the monuments set by Robertson and Shaw at this location, and at the same time search for any additional survey monuments set at this location.

For this particular survey we require that the interval between monuments on the rectilinear boundaries not exceed 600 metres.

All survey bars, posts and blazes are to be painted and all survey posts set by you on the rectilinear boundaries are to be marked I.R. on the Reserve side and numbered consecutively from thirty (30) upwards beginning at the southwest corner of the Reserve. The monuments set in the above mentioned traverse are to have a distinctive numbering system, i.e. T1, T2, T3, etc.

The aerial photographs (enclosure 30) are to be returned to Mr. D. H. Browne when they are no longer required for this survey.

For General Instructions regarding the survey and returns, refer to Part B of the Manual of Instructions for the Survey of Canada Lands - Second Edition (enclosure 32).

Your survey returns and account are to be submitted to Mr. D. H. Browne, O.L.S., C.L.S., Regional Surveyor (see address under "Field Liaison" (3)).

A list of enclosures is attached. Please be advised that enclosure 7h is not a confirmed plan.

ORIGINAL SIGNED BY  
J.L. (JIM) HILL, C.L.S.

W. V. Blackie  
Surveyor General and Director  
Legal Surveys Division

DGF/mk

xct: Director, Lands Membership and Estates - INA Toronto  
District Manager, Sudbury District - INA  
Administrator of Surveys, Lands Branch - INA Ottawa  
Surveyor General and Director - EMR Ottawa (Copy of enclosures 2, 3, 5, 11 and 12  
attached)

ENCLOSURES:

Copies of the following:

1. Purchase Order No. 1478749 confirming your contract for the above work.
2. Band Council Resolution No. 10 dated October 24, 1978.
3. C.L.S.R. index card, plans and field notes enclosed, underlined and numbered in red.
- 4.
- to 6. Plans and field notes referred to in (3) above.
- 7a Report and Field Notes of the Survey of Meridian Lines and Base Lines, District of Nipissing. Surveyed by James Robertson, Ontario Land Surveyor, 1903 - Pages: Title Page, Index Map, 12, 13, 14, 24, 25 and 31.
- 7b Report and Field Notes of the Survey of the Township of Milligan, District of Nipissing. Surveyed by James S. Dobie, Ontario Land Surveyor, 1903 - Pages: Title Page, Index Map, 37 and 48.
- 7c Plan of the Township of Milligan, District of Timiskaming. Scale: 40 chains to an inch. Surveyed by James S. Dobie, O.L.S. in 1903.
- 7d Report and Field Notes of the Survey of the Township of McCool, District of Nipissing. Surveyed by W. A. McLean, Ontario Land Surveyor, 1903. Pages: Title Page, Index Map, 1 and 7.
- 7e Plan of the Township of McCool, District of Timiskaming. Scale: 40 chains to 1 inch by W. A. McLean, Ontario Land Surveyor, December 21, 1903.
- 7f Report and Field Notes of the Survey of the Township of Michaud, District of Nipissing. Surveyed by Geo. A. McCubbin and James Robertson, Ontario Land Surveyors, 1903 and 1905. Pages: Title Page, Index Map, 37 and 48.
- 7g Report and Field Notes of the Resurvey of the Township of Garrison, District of Cochrane. Surveyed under instructions from the Department of Surveys by J. B. Chambers, Ontario Land Surveyor, 1947. Pages: Title Page, Index Map 7 and 43 to 50.
- 7h Plan of Resurvey of North, South, East, West Boundaries of Garrison Township, District of Cochrane. Scale = 1 inch = 20 chains, by J. B. Chambers, Ontario Land Surveyor, 1947.  
CAUTION: As of August 1, 1979 this plan was not confirmed.
- 7i Plan of Township of Rand, District of Cochrane, Scale: 40 chains equals 1 inch. Compiled by Dept. of Surveys, Parliament Buildings, Toronto, Ontario, Canada, dated October 1933.

Continued.....

- 7j Plan and Field Notes of Mining Claims L.55314 to 19 inclusive and L.55334 to 38 inclusive, Township of Garrison, District of Cochrane. Scale: 1" = 10 chains by J. A. Lonergan, O.L.S., July 9, 1954.
- 7k Mining Claim Survey Plan and Field Notes Township of Garrison, Larder Lake Mining Division. Scale: 5 chains = 1 inch, by Colin D. Hadfield, Ontario Land Surveyor, August 13, 1959.
- 7l Plan and Field Notes of Mining Claims L64090 and L64089, Township of Garrison, District of Cochrane. Scale: 1" = 10 chains, by J. A. Lonergan, O.L.S., April 4, 1961.
- 7m Plan and Field Notes of Mining Claims L46953 to 57 inclusive, 55339-40, 56784-5, 56828-9 and 58457, Township of Garrison; L55463, Township of Rand, District of Cochrane. Scale: 1" = 10 chains, by J. A. Lonergan, O.L.S., March 20, 1952.
- 7n Plan of Mining Claims T.P.42 (now T.23190) - T.P.43 (now T.23192) - T.P. 44 (now T.23455) T.P.45 (now T.23191) and T.23456, South Bay, Lake Abitibi, District of Cochrane. Scale: 10 chains = 1 inch, by G. F. Summers, O.L.S., September 26, 1935.
- 7o Ministry of Natural Resources, Ontario Plan No. M3346, Iroquois Point, Scale: 1 inch = 40 chains, dated May 1973.
8. Ministry of Natural Resources, Ontario Plan No. M-349, Township of Garrison, Scale: 1 inch = 40 chains, updated to July 19, 1979.
9. Ministry of Natural Resources, Ontario Plan No. M365, Township of McCool, Scale: 1 inch = 40 chains, updated to July 19, 1979.
10. Ministry of Natural Resources, Ontario Plan No. M.383, Township of Rand, Scale: 1 inch = 40 chains, updated to July 19, 1979.
11. Report and Field Notes of the Survey of Township Outlines, District of Timiskaming. Surveyed by Herbert J. Beatty, Ontario Land Surveyor, 1918 - Pages: Title Page, Index Map, 1 and 2.
12. Report and Field Notes of the Traverse of the Shore and Islands, Lower Lake Abitibi, District of Nipissing. Surveyed by Speight and Van Nostrand, Ontario Land Surveyors, 1908 - Pages: Title Page, 108 to 121 inclusive.
13. Part of Ministry of Natural Resources Plan T.84 (Sheet No. 1). Plan Shewing Shore and Islands of Lower Lake Abitibi, District of Nipissing, Ontario. Survey by Speight and Van Nostrand, Ontario Land Surveyors, dated 19 May, 1908.
14. Letter: Deputy Minister of Lands and Forests (Ontario) to J. D. McLean, Department of Indian Affairs, dated August 9, 1910 (sketch attached).

Continued.....

15. Ontario Order-in-Council dated December 1, 1910.
16. Sheet Index of Photomosaics of Abitibi Indian Reserve No. 70, Ontario.
17. to 26. Photomosaics of Abitibi Indian Reserve No. 70, Ontario.  
CAUTION: The position of the rectilinear boundaries is plotted only approximately.
27. Metric Note.
28. N.T.S. map sheet 32 D/12W; "LIGHTNING RIVER"; Scale 1:50,000.
29. N.T.S. map sheet 42 A/9; "MATHESON"; Scale 1:50,000.
30. Aerial photographs - Roll A22532 - Nos. 33, 34, 35, 98 and 99. Flown August 15, 1971 at 26,000 feet A.A.S.L. with 6.017 inch lens. - Roll A22552 - Nos. 33, 34, 35, 97, 98 and 99. Flown September 1, 1971 at 26,000 feet A.A.S.L. with 6.017 inch lens. Flight data also enclosed.
31. L.S.71A.
32. Manual of Instructions for the Survey of Canada Lands - Second Edition.
33. Invoice No. E 105802 , covering the cost of enclosure 32.
34. to 37. Forest Resources Inventory Sheets 485794, 485801, 486794 and 486801 respectively.

55 St. Clair Avenue East  
TORONTO, Ontario M4T 2P8

Chief  
Lands Administration  
Reserves and Trusts  
Department of Indian Affairs  
and Northern Development  
Ottawa

August 15, 1979

411/30-1-233 (L9)

Attn: Administrator of Surveys

entitlement Survey  
Proposed Resurvey of South and East boundaries  
Nanabib Indian Reserve No. 70 (Item 51-78)

Please refer to our letter of June 29, 1979 regarding the discretionary  
and non-discretionary expenditure for the 1979-80 Ontario Land Survey  
Program.

Included is a copy of letter dated July 25, 1979 from the Assistant  
Regional Surveyor, Ontario Region whereby he recommends that this  
project be completed. The request was categorized as a discretionary  
item when the lists were submitted to you.

We concur with Mr. Hill's recommendation that this resurvey be con-  
sidered a non-discretionary item.

This survey has regional approval and has been included in the 1979-80  
Ontario Land Survey Program.

ORIGINAL SIGNED  
BY S. FENGLER

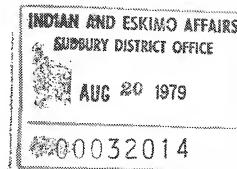
Regional Land Titles Supervisor  
Ontario Region

FENGLER/

cc. District Land Administrator  
Sudbury District

cc. Regional Surveyor, Ontario

MAIL TO





Indian and  
Northern Affairs      Affaires indiennes  
et du Nord

INDIAN AND ESKIMO AFFAIRS	
SUDBURY DISTRICT OFFICE	
JUN 1 1979	
28294	

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TORONTO, Ontario M4T 2P8

Band Administrator,

District Office,

Shubenacadie

Plan of 4 ms. of Boundary of Part of the West  
Pictinean Boundary of Shubie I.R. #70

Attached for your records is a copy of the plan for the subject  
survey recorded under C.L.S.R. Plan No. 1568.

M.B.Gillen,  
Head, Land Titles and Surveys,  
Ontario Region.

*NOTED & FILED*  
7-6-79

*OK filed  
11/6/79 JLG*



Energy, Mines and  
Resources Canada  
Science and Technology

Energie, Mines et
Ressources Canada
INDIAN AND TERRITORY AFFAIRS
Science and Technology Office
NOV 16 1978
60020804

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l'information

Date of Issue: NOV 2 1978

Your file: Votre référence:

Our file: Notre référence:

5206-A1 CD (L15)

Survey Instructions - Item 51-78 Ont.  
(Please quote this number and file above when writing).

Issued to:

Mr. H. Coupland, O.L.S.,  
Marshall Macklin Monaghan Ltd.,  
Ontario Land Surveyors,  
33 Manitoba Road,  
Elliott Lake, Ontario.  
P5A 2A7

Reference:

Letter Browne - Coupland, October 2, 1978.  
Letter Coupland - Browne, October 16, 1978.

Description:

Resurvey of Part of the West Rectilinear Boundary of  
Abitibi Indian Reserve No. 70 and Survey of Part of  
the Rectilinear Boundaries of the Addition to Abitibi  
Indian Reserve No. 70, District of Cochrane, Province  
of Ontario. (Please use this description in your plan  
title).

Statutory Authority  
and Instructions:

Canada Lands Surveys Act and the Manual of Instructions  
for the Survey of Canada Lands supplemented by attached  
Appendices A-1, A-2 and Q, Standard Instructions.

Returns Required:

Field notes in plan form suitable to allow future compilation  
of an Official Plan of entire Reserve under Section 43 of  
the Canada Lands Surveys Act.

Field Liaison:

1. Mr. V. Gran, District Manager, Sudbury District,  
Indian and Inuit Affairs Program, Department of  
Indian and Northern Affairs, Regency Gate Mall,  
1760 Regent Street South, Sudbury, Ontario. P3E 3Z8.  
Telephone (705) 522-5100. Please refer to Part (3)  
of attached Appendix A-1, Standard Instructions.
2. Chief Jack Diamond, Abitibi - Ontario Indian Band,  
Low Bush River, Cochrane, Ontario. P0L 1C0. Contact  
via Cochrane Indian Friendship Centre, Cochrane,  
Ontario. Telephone (705) 272-4497.

MAIL TO:

*District Manager, Sudbury District* ...2

Surveys and Mapping Branch      Directions des Levés et de la Cartographie  
615 Booth Street      615, rue Booth  
Ottawa Canada      Ottawa Canada  
K1A 0E9      K1A 0E9

Field Liaison:  
(Contd)

3. Mr. D.H. Browne, D.L.S., O.L.S., Regional Surveyor,  
Legal Surveys Division, Department of Energy, Mines  
and Resources, 25 St. Clair Avenue East, Toronto,  
Ontario. M4T 1M2. Telephone (416) 966-7503;7539.

Special Remarks:

The boundaries to be surveyed and resurveyed are shown outlined  
in red on enclosure 4.

The true rectilinear boundaries are to be cut out and blazed  
as specified in Sections 26, 27 and 28, Page B-18 of the  
C.L.S. Manual. The boundaries are to be clear recognizable  
lines devoid of fallen trees, logs and brush but cutting of  
merchantable timber should generally be avoided.

The distance to the O.H.W.M. of Lake Abitibi is to be measured  
along the rectilinear boundary from the nearest survey monument.

You will be required to make surveyed connections to any surveyed  
mining claims adjacent to the boundaries being surveyed and show  
them on your plan of field notes. In this regard please refer  
to enclosures 14 and 15.

Regarding monumentation, please refer to Part B, Chapter 6 of the  
C.L.S. Manual and Proposed Amendment to the Manual Nos. 18 and  
19 (enclosure 19). All survey bars, posts and blazes are to be  
painted and all survey posts set by you on the rectilinear bound-  
aries are to be marked "I.R." on the Reserve side and numbered  
consecutively from one upwards beginning at the northwest corner  
of the Reserve. Monumentation along the rectilinear boundaries  
is not to exceed one half mile intervals. Each survey bar is  
to be referenced by bearing trees and wooden posts at least  
4" x 4" in accordance with Sections 34 and 36 of Proposed Amend-  
ment to the Manual No. 19 (enclosure 19). We will not accept  
iron survey bars less than thirty inches in length unless they  
are the type specified for use where bedrock is present.

The returns of survey are to consist of field notes in plan form  
as specified in Part B, Chapter 9 of the C.L.S. Manual and Pro-  
posed Amendment to the Manual Nos. 6, 7 and 20 (enclosure 19).  
To facilitate efficient microfilming of your field notes, it is  
important that you comply with the draughting requirements in  
Proposed Amendment to the Manual No. 20.

Show in the diagram of the field notes the nature and position of  
all significant permanent features (man-made and natural) adjacent  
to the boundaries being surveyed. Connections must be made in  
accordance with Part B, Chapter 7, Section 5, Page B-22 of the  
C.L.S. Manual.

The aerial photographs (enclosure 23) are to be returned to  
Mr. D.H. Browne when they are no longer required for this survey.

...3

Special Remarks:  
(Contd)

Regarding your estimate of cost for the above survey, please note particularly Section 6, Page C-17 of the Manual of Instructions for the Survey of Canada Lands and Clause 3 of the enclosed Purchase Order (enclosure 1).

A list of enclosures is attached. You are required to return enclosures 17 and 18 as these are our only copies of those plans. Please be advised that enclosure 12 is not a confirmed plan.

*K.D. Hamilton*  
W.V. Blackie,  
Surveyor General and Director,  
Legal Surveys Division.

DGP:dl

- c.c. Regional Director General, Ontario.  
c.c. District Manager, Sudbury District.  
c.c. Administrator of Surveys, Lands Division, Ottawa.  
c.c. Regional Surveyor, Ontario.

Enclosure 3:

Copies of the following:

1. Purchase Order No. 95408 confirming your contract for the above work.
2. C.L.S.R. index card, plans and field notes enclosed underlined and numbered in red.
- 3 and 4. Plan and field notes referred to in (2) above.
- 4a. Ontario Order-in-Council dated December 1, 1910.
5. Report and Field Notes of the Survey of Meridian Line and Base Lines, District of Nipissing. Surveyed by James Robertson, Ontario Land Surveyor, 1903. - Pages - Title Page, Index Map, 12 to 25 inclusive, 31.
6. Report and Field Notes of the Survey of the Township of Milligan, District of Nipissing. Surveyed by James S. Dobie, Ontario Land Surveyor, 1903. - Pages - Title Page, Index Map, 1, 7, 13, 19, 25, 31, 37, 43 to 48 inclusive.
7. Plan of the Township of Milligan, District of Timiskaming. Scale: 40 chains to an inch. Surveyed by James S. Dobie, O.L.S. in 1903.
8. Report and Field Notes of the Survey of the Township of McCool, District of Nipissing. Surveyed by W.A. McLean, Ontario Land Surveyor, 1903. - Pages - Title Page, Index Map, 1, 7, 13, 19, 25, 31, 37.
9. Plan of the Township of McCool, District of Timiskaming. Scale 40 chains to 1 inch by W.A. McLean, Ontario Land Surveyor December 21, 1903.
10. Report and Field Notes of the Survey of the Township of Michaud, District of Nipissing. Surveyed by Geo. A. McCubbin and James Robertson, Ontario Land Surveyors, 1903 and 1905. - Pages - Title Page, Index Map, 37, 48.
11. Report and Field Notes of the Resurvey of the Township of Garrison, District of Cochrane. Surveyed under instructions from the Department of Surveys by J.B. Chambers, Ontario Land Surveyor, 1947. - Pages - Title Page, Index Map, 5, 6, 7, 48, 49 and 50.
12. Plan of Resurvey of North, South, East, West Boundaries of Garrison Township, District of Cochrane. Scale = 1 inch = 20 chains. By J.B. Chambers, Ontario Land Surveyor, 1947. CAUTION: As of August 28, 1978 this plan was not confirmed.
13. Plan of Township of Rand, District of Cochrane, Scale 40 chains equals 1 inch. Compiled by Department of Surveys, Parliament Buildings, Toronto, Ontario, Canada, dated October 1933.

Enclosures:  
(Contd)

14. Plan and Field Notes of Mining Claims L.55314 to 19 inclusive and L.55334 to 38 inclusive, Township of Garrison, District of Cochrane. Scale - 1" = 10 chs. by J.A. Lonergan, O.L.S., July 9, 1954.
15. Mining Claim Survey Plan and Field Notes Township of Garrison - Larder Lake Mining Division. Scale: 5 chains = 1 inch, by Colin D. Hadfield, Ontario Land Surveyor, August 13, 1959.
16. Ministry of Natural Resources, Ontario Plan No. M375, Rayner Lake dated May/73.
17. Forest Resources Inventory sheet 485801 - Revised 1971.
18. Forest Resources Inventory sheet 486801 - Revised 1971.
19. Proposed Amendment to the Manual Nos. 2, 3, 6, 7, 18, 19 and 20.
20. L.S. 71A - One copy.
21. N.T.S. map sheet 32 D/12W; "LIGHTNING RIVER"; Scale 1:50,000.
22. N.T.S. map sheet 42 A/9; "MATHESON"; Scale 1:50,000.
23. Aerial Photographs - A22532 - Nos. 33, 34, 35, 97, 98 and 99. Flown August 15, 1971 at 26,000 feet A.A.S.L. with 6.0129 inch (152.73 mm) lens. - A22552 - 33, 34, 35, 97, 98 and 99. Flown September 1, 1971 at 26,000 feet A.A.S.L. with 6.0129 inch (152.73 mm) lens. Flight data and part prints of topo sheets showing flight lines also enclosed.

65 St. Clair Avenue East,  
Toronto, Ontario M4T 2P8  
November 7, 1978

Administrator of Surveys,  
Lands Administration,  
Reserves and Trusts,  
Department of Indian Affairs and  
Northern Development,  
OTTAWA.

411/30-1 (L5)

Re: Entitlement Survey  
Resurvey of Exterior Boundaries  
Abitibi Indian Reserve No. 70, Ontario

Further to letter dated April 21, 1978 on the subject matter,  
attached is Band Council Resolution No. 10 dated October 24,  
1978 whereby the Abitibi Ontario Band Council request the  
resurvey of the exterior boundaries of their reserve.

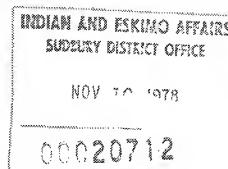
B.C.R. #10 has Regional approval and the survey item has been  
included in our 1978-79 Survey program.

M. B. Gillen  
Regional Land Titles Supervisor  
Lands, Membership and Estates  
Ontario Regional Office

Attach.

MBGillen/ais

c.c. DIAND, Sudbury District  
Att: District Superintendent, Lands, Membership and Estates



E. G. Morton,  
Asst. Regional Director,  
Lands, Membership & Estates,  
Ontario Region.

Indian Affairs Branch,  
1760 Regent Street, South,  
SUDBURY, Ontario. P3E 3S8  
October 27, 1978.

411/30-233 (L)

ATTN: M. B. GILLEM

ABITIBI BAND COUNCIL RESOLUTION NO. 10  
SURVEY OF EXTERNAL BOUNDARIES

--  
Please find attached, Abitibi Band Council Resolution number 10, requesting a survey of external boundaries of Abitibi Indian Reserve No. 70.

We understand survey instructions are already prepared for this survey and request that they proceed with the survey.

H. Panjey,  
District Superintendent,  
Lands, Membership & Estates,  
Sudbury District.

ENCL.  
MF/kh

s.19(1)

Indian and Northern Affairs Affaires indiennes et du Nord

BAND COUNCIL RESOLUTION  
RÉSOLUTION DE CONSEIL DE BANDE

NOTE: The words "From our Band Funds", "Capital" or "Revenue". Which ever is the case, must appear in all resolutions requesting expenditures from Band Funds.  
NOTA: Les mots "des fonds de notre bande", "Capital" ou "revenu", selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes.

THE COUNCIL OF THE	ABITIBI ONTARIO BAND	Current Capital Balance Solde de capital \$ .....
LE CONSEIL DE LA BANDE INDIENNE		Committed - Engaged \$ .....
AGENCY	Sudbury	Current Revenue balance Solde de revenu \$ .....
DISTRICT		Committed - Engaged \$ .....
PROVINCE	Ontario	
PLACE	ABITIBI #70 RESERVE	
NOM DE L'ENDROIT		
DATE	24 OCTOBER AD 1978	
	DAY - JOUR	MONTH - MOIS YEAR - ANNÉE

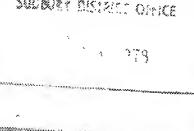
DO HEREBY RESOLVE;  
DÉCIDE, PAR LES PRÉSENTES:

BE IT RESOLVED THAT the Band Council of Abitibi #70 Ontario request that the boundary line of Abitibi #70 reserve be re-surveyed as early as possible.

BE IT ALSO RESOLVED THAT the band members be hired as line cutters for the boundary survey.

INDIAN AND ESKIMO AFFAIRS  
SUDBURY DISTRICT OFFICE

A quorum for this Band  
Pour cette bande le quorum est  
consists of  
fixé à  
Council Members  
Membres du Conseil



(Councillor - conseiller)	(Councillor - conseiller)	(Councillor - conseiller)
(Councillor - conseiller)	(Councillor - conseiller)	(Councillor - conseiller)
(Councillor - conseiller)	(Councillor - conseiller)	(Councillor - conseiller)
(Councillor - conseiller)	(Councillor - conseiller)	(Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE					
1. Band Fund Code Code du compte de bande	2. COMPUTER BALANCES - SOLDES D'ORDINATEUR A. Capital \$	3. Expenditure Dépense	4. Authority - Autorité Indian Act Sec Art. de la Loi sur les Indiens	5. Source of Funds Source des fonds Capitol <input type="checkbox"/> Revenue <input type="checkbox"/>	
6. Recommended - Recommandé	\$	\$	Approved - Approuvable	Date	Approving Officer - Approuvé par
Date			Approving Officer - Approuvé par		

Indian Affairs Branch,  
1860 Regent Street, South,  
SUDBURY, Ontario. P3E 3S2  
August 1, 1978.

Chief Jack Diamond,  
Abitibi #70,  
P.O. Box 1932,  
COCHRANE, Ontario.

411/30-20 (L)

BOUNDARY SURVEY ABITIBI #70

Dear Chief Diamond:

Further to my letter of June 27, 1978, concerning  
resurvey of boundaries of Abitibi #70.

I have requested the survey branch to hold this  
survey in obeyance until we hear from you, as to  
whether you wish us to proceed with the survey.

We would appreciate your comments in regard to the  
above.

  
R. Panjoy,  
District Superintendent,  
Lands, Membership & Estates,  
Sudbury District.

HP/rh

By 23/78  
Talked to Gilbert Deche  
CP Work thirty #7. He will  
start lines at lines  
at Don numbers to  
Stein P.C. & N.E.

Indian Affairs Branch,  
1760 Regent Street, South,  
SUDBURY, Ontario. P1B 3R8  
June 27, 1978.

Chief Jack Diamond,  
Abitibi #70,  
P.O. Box 1822,  
CHURCHILL, Ontario.

411/30-20 (L)

BOUNDARY SURVEY ABITIBI #70

Dear Chief Diamond:

-- Please find attached previous correspondence regarding the boundary survey as questioned in your letter of June 19, 1978.

As mentioned in our letter of June 23, 1977 the department is up-dating boundary surveys on reserves that have not been surveyed for many years in order to be readily able to identify these boundaries in cases of trespass, logging etc.

At present reserves such as yours where there are no band members living on the reserve have a tendency at times to have cases of trespassing, due to old reserve boundaries having grown over and not easily identifiable.

You will see from the attached correspondence that we have been trying to contact the band regarding this survey for quite some time now. If you have any further questions, or wish to have this survey delayed or cancelled, please contact me at this office.

  
H. Fennoy,  
District Superintendent,  
Lands, Membership & Estates,  
Sudbury District.

ENCL.  
HF/rh



## GRAND COUNCIL TREATY #9

"Association of Treaty #9 Chiefs"

Central Office: Tel. (705) 267-2185 Telex 067-81595  
261 - 3rd Avenue, TIMMINES, ONTARIO

Regional Office: Thunder Bay, Ontario

INDIAN AND ESKIMO AFFAIRS
SUDBURY DISTRICT OFFICE
JUN 21 1978
00013925

TO: Peter Mah, District Planner, D.I.A.  
FROM: Jack Diamond, Chief of Abitibi #70  
DATE: June 19, 1978  
RE: ABITIBI #70 BOUNDARY LINE

To our understanding the Department has plans  
to recut the boundary line on Abitibi Reserve #70.

We, the Abitibi #70 Band Council, is requesting  
detailed information from the Department on what type  
of action is being planned to this regard.

We would appreciate this information as soon  
as possible. Thank you very much!

Chief Jack Diamond, Abitibi #70  
P.O. Box 1822  
COCHRANE, Ontario

CJD/df

Indian Affairs Branch,  
1760 Regent Street, South,  
SUDBURY, Ontario, P3E 3R0  
April 6, 1978.

E. G. Morton,  
Asst. Regional Director,  
Lands, Membership & Estates,  
Ontario Region.

411/38-20 (L)

ESTERNA L BOUNDARY RESURVEY  
ABITIBI INDIAN RESERVE NO. 70

We have been trying to obtain a Band Council Resolution from Abitibi Band since June 23, 1977 in regard to the above survey.

This band operates under band custom and the chief, James Diamond is now deceased (March, 1978). There is no one residing on the reserve and the last survey was done in 1908.

Based on the reserve being vacant and funds available to resurvey the boundaries this year, I recommend that we proceed to resurvey in the interest of good management and control of trespassing.

H. Fanjoy,  
District Superintendent,  
Lands, Membership & Estates,  
Sudbury District.

HF/rh

Indian Affairs Branch,  
1760 Regent Street, South,  
SUDBURY, Ontario. P3E 3Z8  
December 12, 1977.

Chief James Diamond,  
Abitibi,  
P.O. Box 668,  
COCHRANE, Ontario.

411/38-20 (D3)

EXTERNAL BOUNDARY RESURVEY  
ABITIBI INDIAN RESERVE NO. 70

Further to our letter of June 23, 1977, we would  
appreciate your advising us as soon as possible  
if you wish to have the reserve boundaries resurveyed.

- - - I am attaching a sample Band Council Resolution for your  
guidance if you so decide.

ENCL.  
HF/rh

H. Panjey,  
District Land  
Administrator,  
Sudbury District.

*C. J. Diamond*  
272-4874  
Northern Affairs  
Mr. Rhoda

Indian Affairs Branch,  
1769 Ridgeway Street, South,  
SUDBURY, Ontario. P3E 3S2  
June 23, 1977.

Chief James Diamond,  
Abitibi,  
P.O. Box 668,  
COCHRANE, Ontario. P0L 1C0

411/30-28 (DS)

EXTERNAL BOUNDARY SURVEY

Our department is presently undertaking re-surveys  
of external boundaries of all reserves that have  
not been surveyed for many years. Your reserve is  
indicated as one of these.

We have been advised that funds are available to  
complete the survey this year and would appreciate  
a R.C.R. requesting the survey as per sample B.C.R.  
attached.

ROCK.  
M/F/rk

  
H. Panjey,  
District Land  
Administrator,  
Sudbury District.

**Pages 29 to / à 386  
are under consultation  
sont sous consultation**

**Page 387  
is not relevant  
est non pertinente**



MAY - 4 1988

Ray Hatfield  
Director,  
Lands, Revenues and Trusts  
Ontario Region .....

Attention: F. Shipley

Abitibi I.R. No. 70, Ontario

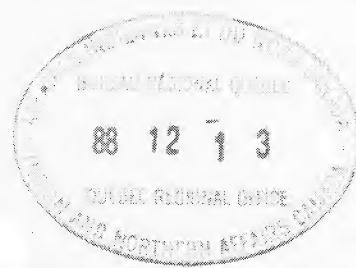
This refers to your DEX message of April 28, 1988 with respect to the proposed surrender for lease for a cottage development.

A review of this matter by the Land Entitlement Division and Legal Services confirms that the Wahgoeskig (Abitibi-Ontario) Band No. 233 and the Abitibiwinni Band No. 55 hold a joint and undivided interest in Abitibi I.R. 70. A copy of Mr. Webb's legal opinion of September 24, 1987 is attached. As such, both bands will have to participate in any surrender for lease and both bands are entitled to share in any revenues on a per capita basis.

I will address your specific questions in order:

- a) Yes. A resolution from Abitibiwinni Band Council requesting a surrender vote will be required. Because each band holds an undivided interest in the reserve, there are, in effect, two surrender votes to be taken, one for each band. We would expect to process one order-in-council to accept both surrenders. Since the reserve land involved is administered from Ontario Region I believe that your region, presumably at Sudbury District, should arrange both votes. You should liaise beforehand with Quebec Region and seek their advice and cooperation as necessary. Your contact in Quebec is Mr. Jacques Rivet, Manager of Lands, at 418-643-4780.

... /2



Canada

A0429149\_2-000388

- 2 -

- b) Yes. It is necessary to post notices on the Pikogan reserve, band council offices and such other locations the supervising officer deems necessary to ensure notice is given to Abitibiwinni band members of the surrender vote requested by their council. The same requirement for notice would of course apply to the Wahgoshig Band.
- c) Those electors of the Abitibiwinni Band eligible to vote at Abitibiwinni band elections, registered on the band list and 18 years old or over, are eligible to vote at the Abitibiwinni surrender vote. Statutory Requirements advise that Abitibiwinni Band have always voted by band custom. The requirements therefore under Section 77 for electors to be ordinarily resident on reserve (either the Abitibi I.R. No. 70 or the Pikogan reserve) will not apply, unless their band custom requires residency. I understand Wahgoshig Band also votes by custom and therefore the residency requirements similarly would not apply, unless their custom requires residency.
- d) Yes. Abitibiwinni Band is entitled to share in any revenues on a per capita basis. The Wahgoshig B.C.R. 194 of March 28, 1988 is not capable of implementation, in providing for all monies received from the leasing to be credited to Wahgoshig band funds. A new B.C.R. will be required.

As you know, Ms Elaine Clark of the office of Mr. John MacDougall, M.P. has been inquiring of our office as to the status of this proposed surrender. Rick Simison, Lands Advisory Services, after discussing the matter with Ms Clark, telephoned Mr. Vern Robinson (705-567-4891) who works with the band administration and represents the band with respect to the development. It was clear from this discussion that the Wahgoshig Council does not now agree with the Abitibiwinni Band sharing an interest in Abitibi I.R. 70. Mr. Robinson questions the right of Abitibiwinni band members to vote with respect to the surrender if they are not ordinarily resident on Abitibi I.R. No. 70. I believe this is addressed by my comments under c) above.

... /3

- 3 -

Mr. Robinson also advised that the proposed head lessee for this 62 lot development is a Wahgoshig development corporation. This would appear not to be a band corporation. You will want to request copies of the articles of incorporation and any declarations of trust held by shareholders on behalf of the Wahgoshig band. Wahgoshig Corporation intends to pay \$2.00 head lease rental, with that amount only divided per capita with Abitibiwinni. Sublease rentals would presumably be paid at market value to the corporation.

Such an arrangement denying the revenues and benefits from the leases to the bands entitled to them would be contrary to the Minister's fiduciary obligations. We are accordingly not prepared to recommend that the Deputy Minister order a surrender vote until the interest of both bands in the reserve, their per capita entitlement to lease revenues and the basic features of the development proposal are clearly spelled out in the B.C.R.'s of both bands, in the notices posted and in information meetings held before the surrender with each band. I suggest that surrender dates for each band be not set by B.C.R. until these outstanding questions have been resolved between the two bands and the department at the regional and district office. Please forward to me any draft B.C.R.'s and surrender notices with your recommendations prior to any finalization of surrender dates.

I trust the above will be of assistance.

Graham Swan  
A/Director  
Lands Directorate  
Lands and Environment  
OTTAWA, Ontario

**Page 391  
is not relevant  
est non pertinente**

ABITIBI INDIAN RESERVE NO. 70

.....*Augest 14*....., 1951.

We, the undersigned, Chief and Councillors of the ABITIBI Band of Indians owning the Reserve situated at LAKE ABITIBI, in the ABITIBI Indian Agency, in the Province of ONTARIO at a council summoned for the purpose, according to the rules of the Band, and held on the said *[La Sarre]* Reserve, this *Augest 14* day of *Augest*, A.D. 1951, in the presence of the Indian Superintendent for the said Reserve, representing thereat the Minister of Citizenship and Immigration for the Dominion of Canada;

Do hereby for ourselves, and on behalf of the Indian owners of the said Reserve, request that :-

1. Our said Abitibi Band be divided into two Bands;
2. That the monies lying to our credit in Abitibi Trust Account No. 70 be divided on a per capita basis between our two new Bands;
3. That we retain joint ownership of Abitibi Indian Reserve No. 70 and that income from it be credited on a per capita basis to our new respective Trust Accounts;
4. That save for the above joint ownership and participation in income we, henceforth, be considered in all respects as two separate and distinct Bands of Indians, namely:-
  - (a) Those of us who are Treaty Nine Indians resident in the Province of Ontario and
  - (b) The main group of us who are not in any Treaty and reside in the Province of Quebec.

Signed and sealed in the presence of *H.L.P.L.Y.I.C.70*....., Indian Superintendent *TOM Rankin # 94*, *Tom Rankin*....., Chief. *Noah Kistabish # 65*, *N.M. # 124*, H.M. *C.W.A.M. # 11*, H.M. *Thomas Shaw # 101*, H.M. *J.B. Matachee # 104*, H.M. *James McDougall Shr. # 102*, H.M.

Original 1633

1908

This instrument made in duplicate and entered into this ~~treaty~~  
~~instrument~~ at ~~for~~ ~~for~~ the thousand nine hundred and eight  
in the presence of Charles Stewart, Esquire, one of His Majesty's  
Commissioners who negotiated Treaty No. 9, representing the Depart-  
ment of Indian Affairs of the Dominion of Canada, between the owners  
of the Abitibi Indian Reserve in the Province of Ontario, Dominion  
of Canada, as represented by their Chief, Councillors and principal  
men; hereinafter called the Parties of the First Part; and the  
Abitibi Band of the Province of Quebec and Dominion of Canada, as  
represented by their Chief, Councilors and principal men, herein-  
after called the parties of the Second Part.

IT IS AGREED that the parties of the First Part for themselves  
and their descendants agree to cede the parties of the Second Part  
and their descendants into their Bands, and allow them as carriers  
thereof to have, hold and possess forever an undivided interest in  
all land and other privileges now possessed and enjoyed or which may  
at any time hereafter be possessed and enjoyed by the said Parties  
of the First Part.

IT IS AGREED also, that the parties of the Second Part having  
had communication of the Treaty made with the Abitibi Indians and  
signed on the 7th day of June 1908, known as Treaty No. 9, hereby in  
consideration of the provisions of the said Treaty being extended to  
them (the Abitibi Indians) and agreed that the said provisions shall  
not be retroactive) transfer, surrender and relinquish to His Majesty  
the King, his heirs and successors, to and for the use of the Govern-  
ment of Canada, all their rights, title and privileges whatsoever,  
which they have or enjoy in the territory described in the said  
Treaty, and every just claim, to have and to hold to the end of

His Majesty the King, and his heirs and successors forever.

AND the said parties of the Second Part hereby agree to accept the several benefits accorded by the Treaty aforesaid, payment of annuity at the rate of \$1.00 per capita (the said payment not to be retroactive) and an interest in land as before mentioned, waiving all claims to the allotment of a Reserve in the Province of Quebec or any other part of the Dominion of Canada. And the said Parties of the Second Part solemnly engage to abide by, carry out and fulfil all the stipulations, obligations and conditions contained in the said Treaty No. 9 on the part of the Chiefs and Indians therin named to be observed and performed, and the said Parties of the Second Part agree in all things to conform to the articles of the said Treaty, as if they themselves had been originally contracting parties thereto and had attached their signatures to the said Treaty.

This Agreement having been translated and read over and its provisions fully explained in the Ojibway language to the Indians concerned was sealed, signed and delivered in the presence of the undersigned at Abitibi this ~~first~~<sup>1st</sup> day of June,  
one thousand nine hundred and eight.

Signed by the parties hereto  
in the presence of the under-  
signed witnesses, the same  
having been first explained  
to the Indians.

Annual Report  
Health Care  
of, Iowa H. S.

David MacKenzie

Lover mal gaagall  
Nimice f. W. T. C.  
or mire. The two were  
left later. Second  
111 111 111 111 111 111  
varia f. rosea longa

Copy of a Report of the Committee  
of the Honourable Minister of Indian Affairs  
dated June, 1908.

On a document dated 20 July, 1908, from the  
Departmental Bureau of Indian Affairs, stating that in  
connection with the Treaty (No. 9) which concluded in 1869  
with the Indians of the portion of Manitoba referred to  
therein, some difficulty was experienced by the Treaty Commis-  
sioners at Lake Manitoba, which is situated partly in the  
Province of Manitoba and partly in the Province of Quebec,  
which latter province had made no arrangements to meet their  
requirements.

The Minister further states that the Indians of  
that locality are all principally one band and says moreover  
that the provincial boundaries could in any way affect their  
system. It was therefore difficult for them to understand,  
when the Treaty was being negotiated, the apparent dis-  
agreements against those of them whom having grounds  
imposed to be in the Province of Quebec, the latter Indians  
necessarily stating that they were being unrightfully asked  
to not being allowed to move to the former union, under  
the terms of the Treaty, were being denied the native  
members of the community.

That in order to bring about a better understanding on  
the part of the Quebec Indians, it was decided to take  
some special action, and the Commissioners, on their power  
to do so, recommended the submission to the Privy Council

for consideration.

The Departmental Bureau of Indian Affairs.

the terms of settlement embodied in the accompanying agree-  
ment, in accordance with which agreement--it having been  
duly signed by the parties thereto--the Quebec Indians give  
their adherence to the said Treaty No. 9 and willingly to  
the Crown all their right, title and proprietary whatever  
in the territory described in the Treaty and in the Province  
of Quebec or elsewhere in the Dominion, they being entitled  
in return for such relinquishment, thus renunciation of a  
share of the reserve set apart for the native Indians by  
the said Treaty, and to participation in the annuity pay-  
ments mentioned in the agreement.

The Minister recommends that the agreement, which  
is dated the 22nd day of June, 1908, and is submitted herewith  
in duplicate, be accepted by Your Excellency in behalf  
of the original agreement to be returned to the Department  
of Indian Affairs and the duplicate thereto to be kept of record  
in the Privy Council Office.

The Committee submit the same for approval.

July 27, 1908  
and the undersigned  
doe  
Date  
27/7/08  
Signature

Clark of the Privy Council.

Authenticated copy of a Report of the Committee of the Privy Council, addressed by His Excellency the Governor General on the 22nd. July, 1898.

In a memorandum dated 8th July, 1898, from the Superintendent General of Indian Affairs, stating that in communication with the Treaty (No. 8) which was made in 1868 with the Indians of the portion of Ontario referred to therein, some difficulty was experienced by the Treaty Commissioners at Lake Abitibi, which is situated partly in the Province of Ontario and partly in the Province of Quebec, which latter province had made no arrangements to meet treaty requirements.

The Minister further states that the Indians of this locality are all practically one band and were unsure that the provincial boundaries could in any way affect their status. It was therefore difficult for them to understand, when the Treaty was being negotiated, the apparent discrimination against three of them whose hunting grounds happened to be in the Province of Quebec, the latter Indians naturally feeling that they were being unfairly dealt with if not being allowed to share in the benefits which, under the terms of the Treaty, were being accorded the Ontario members of the community.

That in order to bring about a better feeling on the part of the Quebec Indians, it was desirable to take some especial action, and the Commissioners, on their return to Ottawa, recommended for submission to the Indian Indians

The Memorandum

The Superintendent General of Indian Affairs.

the terms of settlement embodied in the accompanying agreement, in accordance with which agreement it having been duly signed by the parties thereto - the Quebec Indians giving their adherence to the said Treaty No. 8 and relinquishing to the Crown all their rights, title and privileges whatsoever in the territory described in the Treaty and in the Province of Quebec or elsewhere in the Dominion, they being admitted in full for such relinquishment, into possession of a share of the reserves set apart for the Ontario Indians by the said Treaty, and to participation in the annuity payments mentioned in the agreement.

The Minister recommends that the agreement, which is dated the 22nd day of June, 1898, and is submitted herewith in duplicate, be accepted by Your Excellency in Council; the original agreement to be returned to the Department of Indian Affairs and the duplicate thereto to be kept of record in the Privy Council Office.

The Commission submit the same for approval.

John E. Lyle, Clerk of the Privy Council

9/02/90

Released under the Access  
of Information Act  
Comunicado en virtud de la  
Ley sobre el Acceso a la  
Información

N.B. ① Copie le documents du dossier  
d'Ottawa. Nous n'avons pas copié  
de tout le dossier d'Ottawa  
② Le tracte #9 est fondamentale

J. Reid

Copies For File 74/28-4-70 (T-1) and 74/20-7-4 (T-1)

INDIAN AFFAIRS

CO176



74/28-2-70

OFFICE OF  
DIRECTOR

File 74/28-2-7

Dec. 1951

OTTAWA

SEP 18

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

1951 SEP 22 AM 11:37

INDIAN AFFAIRS

Ottawa, September 17, 1951.

Deputy Minister

MEMORANDUM TO THE DEPUTY MINISTER

The Abitibi Band of Indians own Abitibi Indian Reserve No. 70 on the south shore of Lake Abitibi, District of Temiskaming, the Reserve being 19,200 acres in extent.

This same Band also own Trust Account No. 70, the balances in which were, as at March 31st last:- Capital, \$14,934.01 and Revenue, \$1,963.45.

Income to the Account is chiefly derived from a timber operation on the Reserve, the proceeds of which, last year, amounted to \$8,665.52. A similar amount, annually, may be expected for the next few years.

This group of Indians, although up to the present actually one Band, have for many years been separated into two groups - (1) the group known as the Dominion Abitibi live in Quebec and according to our most recent population figures consists of 187 Indians; (2) the group known as the Ontario Abitibi live in Ontario and comprises 53 souls. Furthermore, the Ontario group receive Annuities under Treaty Nine. (The larger Quebec group are not covered by ~~Treaty 9~~ Treaty 9.)

incorrect  
Statement  
re: 1908  
agreement

Administration of the Band, particularly since they have acquired Trust funds, is rendered difficult by their segregation into two groups.

With all of the foregoing circumstances proposed to the Indians that the Band be broken into two new Bands along the lines of the division existing by reason of the location of the groups in separate Provinces and by the fact that one group was in Treaty 9 and the other not.

2/

(6)

8

- 2 -

In August of this year the respective groups adopted identical resolutions by unanimous vote. These resolutions request that -

- \* 1. Our said Abitibi Band be divided into two Bands;
- 2. That the monies lying to our credit in Abitibi Trust Account No. 70 be divided on a per capita basis between our two new Bands;
- 3. That we retain joint ownership of Abitibi Indian Reserve No. 70 and that income from it be credited on a per capita basis to our new respective Trust Accounts;
- 4. That save for the above joint ownership and participation in income we, henceforth, be considered in all respects as two separate and distinct Bands of Indians, namely:-
  - (a) Those of us who are Treaty Nine Indians resident in the Province of Ontario and
  - (b) The main group of us who are not in any Treaty and reside in the Province of Quebec.

Concerning the meetings held, Indian Superintendent H. Lariviere reports as follows:-

*check rules*

*re quorum necessary*

" Ontario Group	6 Present 6 In Favour 10 Absent
" Quebec Group	27 Present All In Favour 10 Absent

Since these resolutions ante-date the present Indian Act, only male adults were eligible to vote.

With regard to the absentees of both groups, Indian Superintendent H. Lariviere states that those absent take no interest whatever in the affairs of the Band.

3/

⑦

9

- 3 -

Authentic lists of the Indians comprising each group are on record in the Band Membership Division of the Branch.

The division is recommended by Indian Superintendent H. Lariviere and I would be pleased to have the approval of the Minister for the establishment of two new Bands to be known as the Ontario Abitibi and Dominion Abitibi, respectively, in accordance with the provisions of Section 17, 1 (a) of the Indian Act, Chapter 29, Statutes of Canada, 1951.

Acting Director

Recommended

*H. Lariviere*  
Deputy Minister

Approved

*J. E. L. Morris*  
Minister

8

ABITIBI INDIAN RESERVE NO. 70

August 1<sup>st</sup>, 1951.

10

We, the undersigned, Chief and Councillors of the ABITIBI Band of Indians owning the Reserve situated at LAKE ABITIBI, in the ABITIBI Indian Agency, in the Province of ONTARIO at a council summoned for the purpose, according to the rules of the Band, and held on the said Reserve, this ~~August~~ day of ~~August~~, A.D. 1951, in the presence of the Indian Superintendent for the said Reserve, representing thereat the Minister of Citizenship and Immigration for the Dominion of Canada;

Do hereby for ourselves, and on behalf of the Indian owners of the said Reserve, request that :-

1. Our said Abitibi Band be divided into two Bands;
2. That the monies lying to our credit in Abitibi Trust Account No. 70 be divided on a per capita basis between our two new Bands;
3. That we retain joint ownership of Abitibi Indian Reserve No. 70 and that income from it be credited on a per capita basis to our new respective Trust Accounts;
4. That save for the above joint ownership and participation in income we, henceforth, be considered in all respects as two separate and distinct Bands of Indians, namely:-
  - (a) Those of us who are Treaty Nine Indians resident in the Province of Ontario and
  - (b) The main group of us who are not in any Treaty and reside in the Province of Quebec.

Signed and sealed in the presence of *H.L. A. L. V. I. e. T. E.* Indian Superintendent ) *Tom Rankin # 94*, *Tom Rankin # 94*, Chief.  
of *H.L. A. L. V. I. e. T. E.* ) *Noah Kistabish # 65*, H.M.  
Indian Superintendent ) *W.A. M. S. # 114*, H.M.  
 ) *Thomas Shewa # 115*, H.M.  
 ) *B. M. J. # 116*, H.M.  
 ) *J. B. Mapatche # 104*, H.M.  
 ) *James McDougall Snr. # 102*, H.M.

9

ABITIBI INDIAN RESERVE NO. 70

August 11<sup>th</sup>, 1951.

We, the undersigned, Chief and Councillors of the ABITIBI Band of Indians owning the Reserve situated at LAKS ABITIBI, in the ABITIBI Indian Agency, in the Province of ONTARIO at a council summoned for the purpose, according to the rules of the Band, and held on the said Reserve, this 11<sup>th</sup> day of August, 1951, A.D. 1951, in the presence of the Indian Superintendent for the said Reserve, representing thereto the Minister of Citizenship and Immigration for the Dominion of Canada,

Do hereby for ourselves, and on behalf of the Indian owners of the said Reserve, request that:-

1. Our said Abitibi Fund be divided into two bands;
2. That the monies lying to our credit in Abitibi Trust Account No. 70 be divided on a per capita basis between our two new bands;
3. That we retain joint ownership of Abitibi Indian Reserve No. 70 and that income from it be entitled on a per capita basis to our new prospective trust accounts;
4. That care for the above joint ownership and participation in income re, henceforth, be considered in all respects on two separate and distinct Bands of Indians, namely:-
  - (a) Those of us who are Twenty Nine Indians residing in the Province of Ontario and
  - (b) The main group of us who are not in any Province and reside in the Province of Quebec.

MIPENETOC

Signed and sealed in the presence of	Michel-Essetouchie #19....., etc
H. Lativière	Clifford Casman
of ..... D. Diamond	John Diamond-Abenawan #86, etc
In/Ind Superintendent	A. P. Black #1116
	Alex Black #78
	J. D. Diamond #90
	George Diamond #88

**Pages 402 to / à 403  
are not relevant  
sont non pertinentes**

411/36 - 5-235

At the beginning of this century, because of pressure from resource developers, the federal Government decided to obtain a surrender of "Indian Title" to the areas now known as northern Ontario and northern Quebec. In 1903, however, the Department of Indian Affairs dropped the idea of including "Quebec" Indian people in this proposed "James Bay Treaty" because:

Indian title in the Province of Quebec has never been recognized or surrendered as in the Province of Ontario, and it is not proposed to change this policy.<sup>1</sup>

Unfortunately for the Abitibi Indian people, their lands were situated on both sides of the new boundary between Ontario and Quebec. When the Treaty Commissioners arrived at Abitibi Post in June of 1906 to discuss Treaty #9, the "Quebec" people were astonished to find that they were not to be included. This is how the Commissioners explained their actions:

Some difficulty was anticipated in negotiating the treaty at Abitibi owing to the peculiar position of the Indians who trade at that post. The post is situated a few miles within the province of Quebec, and the majority of the Indians who trade there belong to that province. It was natural for the Indians to conclude that, as it was the Dominion government and not the provincial government that was negotiating the treaty, no distinction would be made between those hunting in Ontario and those hunting in Quebec. The Commissioners had, however, to state that they had no authority to treat with the Quebec Indians, and that the conference in regard to the treaty could only be held with those whose hunting grounds are in the province of Ontario. The Quebec Indians were, however, given to understand that a conference would be held with them later, and that upon signifying where they desired to have a reserve set apart for them, the government would undertake to secure, if possible, the land required by them at the place designated.<sup>2</sup>

On June 8th, 1906, the new Abitibi (Ontario) Band selected Louis McDougall as Chief. They chose a reserve on the south side of Lake Abitibi which, based on the Treaty formula of one square mile per family of five, would cover 30 square miles.<sup>3</sup> This Reserve (#70) was later confirmed by Provincial Order in Council on Feb. 13, 1907.<sup>4</sup>

Those Abitibi people whose lands were in Quebec, chose Ishay Nychenny as Chief, with John Kistash and John George Cuitchie as Councillors. They asked the Commissioners for a Reserve on Hump (Root) Lake, about one day's journey north of the Transcontinental Railway up

The Dominion government tried for two years, without success, to get Quebec to provide a Reserve for the Abitibi people.<sup>6</sup> So, in the summer of 1908, the Department of Indian Affairs sent Samuel Stewart, one of the original Treaty 9 Commissioners, to Abitibi Lake to make the following proposition to the Indian people:

The Government would agree to recognize the Ontario and Quebec Abitibi Indians as one Band, and would pay the latter annuity money, beginning with the year 1908, it being understood that no claim would be recognized for back pay by the Quebec Indians. The Ontario Indians would be required to accept the Quebec Indians as part of their band, and to allow them an equal share in the reserve set apart on Abitibi Lake.

The Quebec portion of the band would on their part agree to come under the terms of the treaty known as Treaty No. 9, and to carry out and fulfill all its conditions and stipulations. They would also agree to waive all claims to the allotment of a reserve in the Province of Quebec, or in any other part of the Dominion of Canada.<sup>7</sup>

Not all the Abitibi people were in favour of the proposed agreement. One "Quebec" Indian warned that it might lead to problems in the future:

He feared that, although the Ontario Indians were now prepared to admit the Quebec Indians to a share in the reserve, the time might come when they would repent of this action. The Ontario Indians protested strongly against this view being advanced, as they said they were all of one mind in desiring that their brethren be admitted to all the benefits of the treaty, including a share in the reserve.<sup>8</sup>

On June 22, 1908, a formal vote was taken, and both groups of Abitibi people accepted the terms of the agreement. This agreement was formally confirmed by the Federal government on July 22, 1908.<sup>9</sup> A copy of this document is attached to this Memo.

The Agreement of 1908 may have solved a touchy problem for the Department of Indian Affairs, but it has created new problems for the Abitibi people on both sides of the border. Although the adhesion of the "Quebec" people to Treaty #9 tripled the size of the Abitibi Band, the Reserve was not made larger to compensate for this additional population--its area remained 50 square miles. Over the years, the Abitibi (Ontario) people have had very little say in the management of the Reserve. At the moment, they are outnumbered 4 to 1 by the Abitibi (Dominion) people--this means that they only receive about a fifth of the timber revenue.

On a Memorandum dated 9th July, 1908, from the Superintendent General of Indian Affairs, stating that in connection with the Treaty (No.9) which was made in 1905 with the Indians of the portion of Ontario referred to therain, some difficulty was experienced by the Treaty Commissioners at Lake Abitibi, which is situated partly in the Province of Ontario and partly in the Province of Quebec, which latter province had made no arrangements to meet treaty requirements.

1. Ontario  
2. Quebec  
3. Ontario General 27 Sept.  
4. Quebec

The Minister further states that the Indians of that locality are all practically one band and were unaware that the provincial boundaries could in any way affect their status. It was therefore difficult for them to understand, when the Treaty was being negotiated, the apparent discrimination against those of them whose hunting grounds happened to be in the Province of Quebec, the latter Indians naturally feeling that they were being unfairly dealt with in not being allowed to share in the benefits which, under the terms of the Treaty, were being accorded the Ontario members of the community.

That in order to bring about a better feeling on the part of the Quebec Indians, it was desirable to take some special action, and the Commissioners, on their return to Ottawa, recommended for submission to the Abitibi Indians the terms of settlement embodied in the accompanying agreement, in accordance with which agreement- it having been duly signed by the parties thereto- the Quebec Indians give their adherence to the said Treaty No. 9 and relinquish to the Crown all their right, title and privileges whatsoever in the territory described in the Treaty and in the Province of Quebec or elsewhere in the Dominion, they being admitted

1593

admitted, in return for such relinquishment, into possession of a share of the reserve set apart for the Ontario Indians by the said Treaty, and to participation in the annuity payments mentioned in the agreement.

The Minister recommends that the agreement, which is dated the 22nd day of June, 1908, and is submitted herewith in duplicate, be accepted by Your Excellency in Council, the original agreement to be returned to the Department of Indian Affairs and the duplicate thereof to be kept of record in the Privy Council Office.

The Committee submit the same for approval.

W. J. G. MacLaurin  
Approved  
Grey  
July 22/08

As for the Abitibi-Dominion Band, they gave up, in 1908, any rights they might have had in the Province of Quebec. This means, for example, that they can only exercise the hunting rights guaranteed by Treaty #9 inside the Province of Ontario--a fact which is not of much use to them at Amos, Quebec. Had they not signed that Agreement, they would have had an excellent case for compensation along the lines of the recent Settlement with the James Bay Cree.



THIS AGREEMENT made in duplicate and entered into this Twenty  
second day of June one thousand nine hundred and eight  
in the presence of Samuel Stewart, Esquire, one of His Majesty's  
Commissioners who negotiated Treaty No. 9, representing the Depart-  
ment of Indian Affairs of the Dominion of Canada, between the owners  
of the Abitibi Indian Reserve in the Province of Ontario, Dominion  
of Canada, as represented by their Chief, Councillors and principal  
men; hereinafter called the Parties of the First Part: and the  
Abitibi Band of the Province of Quebec and Dominion of Canada, as  
represented by their Chief, Councillors and principal men, herein-  
after called the parties of the Second Part.

WITNESSETH that the parties of the First Part for themselves  
and their descendants agree to admit the parties of the Second Part  
and their descendants into their Band, and allow them as members  
thereof to have, hold and possess forever an undivided interest in  
all land and other privileges now possessed and enjoyed or which may  
at any time hereafter be possessed and enjoyed by the said Parties  
of the First Part.

WITNESSETH also, that the parties of the Second Part having  
had communication of the Treaty made with the Abitibi Indians and  
signed on the 7th day of June 1908, known as Treaty No. 9, hereby in  
consideration of the provisions of the said Treaty being extended to  
them (it being understood and agreed that the said provisions shall  
not be retroactive) transfer, surrender and relinquish to His Majesty  
the King, his heirs and successors, to and for the use of the Govern-  
ment of Canada, all their right, title and privileges whatsoever,  
which they have or enjoy in the territory described in the said  
Treaty, and every part thereof, to have and to hold to the use of

1393 (A)

His Majesty the King, and his heirs and successors forever.

AND the said parties of the Second Part hereby agree to accept the several benefits accorded by the Treaty aforesaid, payment of annuity at the rate of \$4.00 per capita (the said payment not to be retroactive) and an interest in land as before mentioned, waiving all claims to the allotment of a Reserve in the Province of Quebec or any other part of the Dominion of Canada. And the said Parties of the Second Part solemnly engage to abide by, carry out and fulfil all the stipulations, obligations and conditions contained in the said Treaty No. 9 on the part of the Chiefs and Indians therein named to be observed and performed, and the said Parties of the Second Part agree in all things to conform to the articles of the said Treaty, as if they themselves had been originally contracting parties thereto and had attached their signatures to the said Treaty.

This Agreement having been translated and read over and its provisions fully explained in the Ojibway language to the Indians concerned was sealed, signed and delivered in the presence of the undersigned at Abitibi this twenty-second day of June, one thousand nine hundred and eight.

Signed by the parties hereto in the presence of the undersigned witnesses, the same having been first explained to the Indians by

Samuel Hunt  
Geo Drevet  
P. Evans M.S.  
David McKenz

Loui-ma-o-wagall  
O...le Baratios  
imche Ma Da gam

W. Francis Peers  
111 A Part 4 10

O A A  
John <sup>his</sup> McPharney

John <sup>his</sup> George Clicheleb

B. A. T. S. H. C. L. C. L.  
A. T. E. M. P. J. G. B.  
Pierre <sup>his</sup> Grouard  
Simon <sup>his</sup> Chouanen

ABITIBI INDIAN RESERVE NO. 70

August 1<sup>st</sup>, 1951.

We, the undersigned, Chief and Councillors of the ABITIBI Band of Indians owning the Reserve situated at LAKE ABITIBI, in the ABITIBI Indian Agency, in the Province of ONTARIO at a council summoned for the purpose, according to the rules of the Band, and held on the said Reserve, this 1<sup>st</sup> day of August, A.D. 1951, in the presence of the Indian Superintendent for the said Reserve, representing thereat the Minister of Citizenship and Immigration for the Dominion of Canada;

- Do hereby for ourselves, and on behalf of the Indian owners of the said Reserve, request that :-
1. Our said Abitibi Band be divided into two Bands;
  2. That the monies lying to our credit in Abitibi Trust Account No. 70 be divided on a per capita basis between our two new Bands;
  3. That we retain joint ownership of Abitibi Indian Reserve No. 70 and that income from it be credited on a per capita basis to our new respective Trust Accounts;
  4. That save for the above joint ownership and participation in income we, henceforth, be considered in all respects as two separate and distinct Bands of Indians, namely:-
    - (a) Those of us who are Treaty Nine Indians resident in the Province of Ontario and
    - (b) The main group of us who are not in any Treaty and reside in the Province of Quebec.

Signed and sealed in the presence of H.L.A.Y./C.R.G.  
John O'Leary, Indian Superintendent

Tom Rankin # 94  
John Rankin, Chief.  
Noah McEachern # 63  
John McEachern # 113, H.M.  
Thomas Shaw # 111, H.M.  
John McEachern # 102, H.M.  
James McDougall # 108, H.M.

ଅନୁଷ୍ଠାନିକ ପରୀକ୍ଷାରେ ପରିଚାଳନା ମହିନେ ଜୁଲାଇ ।

.....August 11<sup>th</sup> 1992.

We, the undersigned, Chief and Counsellors of  
the ASHTEK band of Indians owning the Reserve situated  
at LAKE ASHTEK, in the ASHTEK Indian Agency, in the  
Province of ONTARIO as a Council convened for the purpose,  
according to the rules of the First, and held on the said  
Reserve, this 14th day of August, A.D. 1951, in the presence of the Superintendent  
A.C., 1951, is the property of the Indians mentioned  
for the said Reserve, representing them to the Minister  
of Citizenship and Immigration for the Indians of Ontario  
to hereby for ourselves, and on behalf of the

1. Our sole aboriginal mind to divide into two parts;

2. That the mind lying to our growth in which  
trust account is, to be divided as a part of the  
basis between our two new hands;

3. That we retain joint ownership of tribal Indian  
reserve no. 79 and that income from it be divided  
on a 50% equal basis to our two partners (trust  
accountants);

4. That care for the above joint ownership and partici-  
pation in income no. 79 hereinafter, be considered  
in all respects as two separate and distinct parts  
of Indians, namely:-

  - (a) Those of us who are truly "the Indians ren-  
tied in the Province of Quebec" and
  - (b) The main group of us who are not in any Treaty  
and reside in the Province of Quebec.

Signed and sealed in the presence  
of *H. J. Tiviere*  
*John Black*

MIPE NE toc  
Global. Worcester, f. 19....., uni  
CEGAR TA 11-111  
John Diamond. Abenomia. f. 830. II. N.  
A 1. P. 1 A 16  
All in Black f. 70  
J. Diamond f. 80  
James Diamond f. 80  
Denton Diamond f. 68

**Pages 413 to / à 414  
are not relevant  
sont non pertinentes**

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION  
1951 SEP 22 11:11:37

74/2E-2-70 (T-1)  
Document Under  
Information Act  
Document sous  
Loi sur l'Accès à  
l'Information  
Ottawa  
SEP 18 1951  
Deputy Minister's Office

INDIAN AFFAIRS

MEMORANDUM TO THE DEPUTY MINISTER.

The Abitibi Band of Indians own Abitibi Indian Reserve No. 70 on the south shore of Lake Abitibi, District of Temiskaming, the Reserve being 19,200 acres in extent.

This same Band also own Trust Account No. 70, the balances in which were, as at March 31st last:- Capital, REGISTERED \$14,934.01 and Revenue, \$1,963.45.

Income to the Account is chiefly derived from a timber operation on the Reserve, the proceeds of which, last year, amounted to \$8,665.52. A similar amount, annually, may be expected for the next few years.

This group of Indians, although up to the present actually one Band, have for many years been separated into two groups - (1) the group known as the Dominion Abitibi live in Quebec and according to our most recent population figures consists of 187 Indians; (2) the group known as the Ontario Abitibi live in Ontario and comprises 53 souls. Furthermore, the Ontario group receive Annuities under Treaty Nine. The larger Quebec group are not covered by ~~Treaty~~ Treaty.

Administration of the Band, particularly since they have acquired Trust funds, is rendered difficult by their segregation into two groups.

With all of the foregoing circumstances in mind, it was proposed to the Indians that the Band be broken into two new Bands along the lines of the division existing by reason of the location of the groups in separate Provinces and by the fact that one group was in Treatyland the other not.

- 2 -

In August of this year the respective groups adopted identical resolutions by unanimous vote. These resolutions request that -

- " 1. Our said Abitibi Band be divided into two Bands;
- 2. That the monies lying to our credit in Abitibi Trust Account No. 70 be divided on a per capita basis between our two new Bands;
- 3. That we retain joint ownership of Abitibi Indian Reserve No. 70 and that income from it be credited on a per capita basis to our new respective Trust Accounts;
- 4. That save for the above joint ownership and participation in income we, henceforth, be considered in all respects as two separate and distinct Bands of Indians, namely:-
  - (a) Those of us who are Treaty Nine Indians resident in the Province of Ontario and
  - (b) The main group of us who are not in ~~any~~ Treaty 9 and reside in the Province of Quebec.

Concerning the meetings held, Indian Superintendent H. Lariviere reports as follows:-

" Ontario Group	6 Present
	6 In Favour
	10 Absent
" Quebec Group	27 Present
	All In Favour
	18 Absent

Since these resolutions ante-date the present Indian Act, only male adults were eligible to vote.

With regard to the absentees of both groups, Indian Superintendent H. Lariviere states that those absent take no interest whatever in the affairs of the Band.

3/

- 3 -

Authentic lists of the Indians comprising each group are on record in the Band Membership Division of the Branch.

The division is recommended by Indian Superintendent H. Lariviere and I would be pleased to have the approval of the Minister for the establishment of two new Bands to be known as the Ontario Abitibi and Dominion Abitibi, respectively, in accordance with the provisions of Section 17, 1 (a) of the Indian Act, Chapter 29, Statutes of Canada, 1951.

*Acting Director*  
Acting Director

Recommended

*John Martin*  
John Martin  
Deputy Minister

Approved

*H. E. Harris*  
H. E. Harris  
Minister

**Page 418  
is not relevant  
est non pertinente**

August 14th,  
1951.

We, the undersigned, Chief and Councillors of the ABITIBI Band of Indians owning the Reserve situated at LAKE ABITIBI, in the ABITIBI Indian Agency, in the Province of ONTARIO at a council summoned for the purpose, according to the rules of the Band, and held on the said Reserve, this 14th day of August, 1951, in the presence of the Indian Superintendent for the said Reserve, representing thenceat the Minister of Citizenship and Immigration for the Dominion of Canada;

Do hereby for ourselves, and on behalf of the Indian owners of the said Reserve, request that:-

1. Our said Abitibi Band be divided into two Bands;
  2. That the monies lying to our credit in Abitibi Trust Account No. 70 be divided on a per capita basis between our two new Bands;
  3. That we retain joint ownership of Abitibi Indian Reserve No. 70 and that income from it be credited on a per capita basis to our new respective Trust Accounts;
  4. That save for the above joint ownership and participation in income we, henceforth, be considered in all respects as two separate and distinct Bands of Indians, namely:-
- (a) Those of us who are Treaty Indians resident in the Province of Ontario and
  - (b) The main group of us who are not in any Treaty and reside in the Province of Quebec.

*MIPENE TOC*

Signed and sealed in the presence of	Michel-Pepetouche #19....., Chief,
<i>H. Lativière</i>	<i>C. J. A. Diamond</i> , H.M.
of	John-Diamond-Abanavan #86, H.M.
<i>H. Lativière</i>	<i>A. J. Black #11</i> , H.M.
In/Indian Superintendent	Max Black #78, H.M.
	<i>J. Diamond #90</i> , H.M.
	<i>G. Diamond #88</i> , H.M.

August 1<sup>st</sup>, 1951.

We, the undersigned, Chief and Councillors of the ABITIBI Band of Indians owning the Reserve situated at LAKE ABITIBI, in the ABITIBI Indian Agency, in the Province of ONTARIO at a council summoned for the purpose, according to the rules of the Band, and held on the said [La Salle] Reserve, this ~~August~~ day of ~~August~~, A.D. 1951, in the presence of the Indian Superintendent for the said Reserve, representing thereat the Minister of Citizenship and Immigration for the Dominion of Canada;

Do hereby for ourselves, and on behalf of the Indian owners of the said Reserve, request that :-

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 (a) Those of us who are Treaty Nine Indians resident in the Province of Ontario and  
 (b) The main group of us who are not in any Treaty and reside in the Province of Quebec.

Signed and sealed in the presence of	Tom Rankin # 94
H.L.A.R.Y. L. E. T. O. ....	Noah Listabish # 65
D. G. D. D. D. D. ....	W. A. M. G. T. L. H. M. ....
Indian Superintendent	Thomas Shewa # ..... H.M.
	J. B. McPhee # 104 H.M.
	James McDougall Snr. # 102 H.M.

**Pages 421 to / à 427  
are not relevant  
sont non pertinentes**

Copies For File 74/28-4-70 (T-1) and 74/20-7-4 (T-1)

INDIAN AFFAIRS  
F. T. H.

00176



CANADA

7/23-2-70

OFFICE OF THE  
DIRECTOR

File 74/28-2-70 (T-1)

DEPT. OF CITIZENSHIP & IMMIGRATION

OTTAWA

SEP 18 1951

Deputy Minister's Office

1951 SEP 22 AM 11:37

Ottawa, September 17, 1951.

INDIAN AFFAIRS

MEMORANDUM TO THE DEPUTY MINISTER

The Abitibi Band of Indians own Abitibi Indian Reserve No. 70 on the south shore of Lake Abitibi, District of Temiskaming, the Reserve being 19,200 acres in extent.

This same Band also own Trust Account No. 70, the balances in which were, as at March 31st last:- Capital, <sup>REGISTRED</sup> \$14,934.01 and Revenue, \$1,963.45.

Income to the Account is chiefly derived from a timber operation on the Reserve, the proceeds of which, last year, amounted to \$8,665.52. A similar amount, annually, may be expected for the next few years.

This group of Indians, although up to the present actually one Band, have for many years been separated into two groups - (1) the group known as the Dominion Abitibi live in Quebec and according to our most recent population figures consists of 187 Indians; (2) the group known as the Ontario Abitibi live in Ontario and comprises 53 souls. Furthermore, the Ontario group receive Annuities under Treaty Nine. The larger Quebec group are not covered by ~~Treaty~~ Treaty 9.

Administration of the Band, particularly since they have acquired Trust funds, is rendered difficult by their segregation into two groups.

With all of the foregoing circumstances in mind, it was proposed to the Indians that the Band be broken into two new Bands along the lines of the division existing by reason of the location of the groups in separate Provinces and by the fact that one group was in Treaty 9 and the other not.



2/

- 2 -

In August of this year the respective groups adopted identical resolutions by unanimous vote. These resolutions request that -

- " 1. Our said Abitibi Band be divided into two Bands;
- 2. That the monies lying to our credit in Abitibi Trust Account No. 70 be divided on a per capita basis between our two new Bands;
- 3. That we retain joint ownership of Abitibi Indian Reserve No. 70 and that income from it be credited on a per capita basis to our new respective Trust Accounts;
- 4. That save for the above joint ownership and participation in income we, henceforth, be considered in all respects as two separate and distinct Bands of Indians, namely:-
  - (a) Those of us who are Treaty Nine Indians resident in the Province of Ontario and
  - (b) The main group of us who are not in ~~any~~ Treaty <sup>9</sup> and reside in the Province of Quebec.

Concerning the meetings held, Indian Superintendent H. Lariviere reports as follows:-

" Ontario Group	6 Present	
	6 In Favour	
	10 Absent	"
" Quebec Group	27 Present	
	All In Favour	
	18 Absent	"

Since these resolutions ante-date the present Indian Act, only male adults were eligible to vote.

With regard to the absentees of both groups, Indian Superintendent H. Lariviere states that those absent take no interest whatever in the affairs of the Band.

- 3 -

Authentic lists of the Indians comprising each group are on record in the Band Membership Division of the Branch.

The division is recommended by Indian Superintendent H. Lariviere and I would be pleased to have the approval of the Minister for the establishment of two new Bands to be known as the Ontario Abitibi and Dominion Abitibi, respectively, in accordance with the provisions of Section 17, 1 (a) of the Indian Act, Chapter 29, Statutes of Canada, 1951.

*H. Lariviere*  
Acting Director

Recommended  
*John M. Harris*  
Deputy Minister

Approved  
*H. E. Harris*  
Minister

**Page 431  
is not relevant  
est non pertinente**



## BAND COUNCIL RESOLUTION

Released under the Access  
to Information Act  
Chronological No.  
2  
Communiqué en vertu de la  
Loi sur l'Accès à  
l'information

H.Q. Reference

371/3-6-9;371/28-7-

NOTE: The words "From our Band Funds" must appear in all resolutions requesting expenditures from Band Funds.

COUNCIL OF THE <u>Abitibi Ontario</u>		BAND	FOR HEADQUARTERS USE ONLY
AGENCY	<u>Abitibi District</u>		
PROVINCE	<u>QUEBEC</u>		
PLACE	<u>Cochrane, ONTARIO</u>		
DATE	<u>2nd</u>	FEBRUARY AD 19 <u>72</u>	
	FAY	MONTH	YEAR

DO HEREBY RESOLVE:

That the Capital Account in the amount of \* 10,614.29  
and that the Revenue Account in the amount of \* 14,123..  
in the name of the Abitibi Band be transferred on a  
per capita basis to the accounts of the Abitibi  
Ontario and Abitibi Dominion Bands.

Total Capital and Revenue Accounts = \* 24,737.38

Total Band membership (Dec. 31/71)

1) Abitibi Dominion = 336	2) Abitibi Ontario = 58
TOTAL 394 (Per Capita * 62.78)	

Distribution to:

1) Abitibi Dominion = * 21,095.76	
2) Abitibi Ontario = * 3,641.62	
* 24,737.38	

TOTAL --

		(Councillor)			(Councillor)
		(Councillor)			(Councillor)
		(Councillor)			(Councillor)
		(Councillor)			(Councillor)
FOR HEADQUARTERS USE ONLY					
1. TRUST ACCT	2. CURRENT BALANCES A. Capital	B. Revenue	3. Expenditure	4. Authority Indian Act Sec.	5. Source of Funds <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Res.
371-11	10,614.29	14,123.14	3,712		
5. Recommended	To 1st Vice-Chairman 1st Vice-Chairman 1st Vice-Chairman		6. Approved	JUN 13 1972	7. Date Aug 1972 Approved by Authorized Officer Signature
Date	Date		Date	Date	

**Page 433  
is not relevant  
est non pertinente**



May 3, 1973

MAY 4 8 53 PM '73

Regional Director,  
Ontario Region,  
Toronto, Ontario.

Your No. Votre référence

Our No. Notre référence 411/1-1 (S)Abitibi Ontario Band

In reply to your letter of March 28, the following is the information requested:

- (a) We have met twice with the Abitibi Band, on the 11th of October, 1972 and on the 14th February 1973. The first meeting was attended by the Chiefs and Councils from Abitibi Dominion and Abitibi Ontario. The District Supervisor from Val D'Or also attended. The purpose of this meeting was to decide on the transfer of administration from the Val D'Or District to the Sudbury District for members of the Abitibi Ontario Band. It was decided at this meeting that all administrative matters would be transferred to Sudbury with the exception of land matters. The entire band decided that the land should remain in joint ownership and that revenue produced from the land would be shared on a per capita basis.

The second meeting was with the Chief, Council and members of the Ontario Band and was for the purpose of planning the future! There were two decisions taken by the band members at that time. First they decided that at the conclusion of the concurrent school year all the children would be enrolled in schools in the Cochrane area rather than return to the residential school at Amos. Second the band members wished to settle somewhere in the Cochrane area in a properly organized community. With this in mind they requested the Department to negotiate with the Ministry of Natural Resources for a suitable piece of land on which a reserve community could be established.

.....2

May 3, 1973  
411/1-1 (S)

- (b) There are approximately 80 members in the Ontario Band. They have an elected Chief and 2 Councillors. The majority of the band members live in the area of Lowbush in the Cochrane area. Communication and Transportation between Cochrane and Lowbush is very poor.
- (c) Anticipated expenditure for the current fiscal year will be principally in the area of education although no special provisions were made in our budget. It is expected that we will be able to meet the cost from current year funds. Some preliminary planning has been made with respect to the cost of establishing an Indian Community for this group of people. The band was informed at the time of the last meeting that it would not be possible to begin construction earlier than the 1974 fiscal year.
- (d) The principle roll of the District and Regional program managers with this band will be in assisting them to become established in a new community and prepare them to carry on band business.
- (e) The band participated in the organization of the Grand Council of Chiefs of Treaty 9 at the North Bay meeting. They were represented by Jacob Ruperthouse-Diamond who is a resident of Moosonee at the present time.

The band is not very well organized at the present time and it is difficult to communicate with them. The main contact is Mr. George Rhodes, Northern Affairs Officer in Cochrane, who has been very helpful in organizing the meetings. Our only method of communicating with band members is through Mr. Rhodes.

There are approximately 13 children of school age who are in attendance in schools at Amos. The membership records of the band have been neglected and will require considerable work to bring them up to date.

*Copy on file  
R.W.J.*

*A. J. Boisvert*  
A. J. Boisvert,  
District Supervisor,  
Sudbury District.

P.S. The Chief's name is James Ruperthouse-Diamond. The Councillors are David Ruperthouse-Diamond and William Singer.

HISTORICAL NOTES ON THE ABITIBI DOMINION BAND

The Indians residing in the Province of Quebec have not entered into land cession Treaties covering any specific portion of the province. Historically, land cession treaties invariably preceded settlement, e.g., in the 1870's numbered treaties 1-7 were signed covering the "fertile belt" region of western Canada. In Ontario, extensions to the northern boundary paralleled those in Quebec; the Indian interest being extinguished through Treaty 9, immediately preceding or anticipating development. No similar action was taken in the territory of northern Quebec, although the Abitibi Dominion Band (though residing in Quebec) were party to Treaty 9 in Ontario.

The first reference found regarding this Band is in the House of Commons Debates of 19th May 1897 when Mr. Klock M.P. asked the Minister of Interior:

- "1. Are the Indians who live in the Abitibi and Grand Lac districts in the province of Quebec, treaty Indians?
2. Have their claims been extinguished?
6. Does the Government propose to take any, and what means to relieve them?"

The Minister of Interior answered

- "1. They are not treaty Indians.
2. There has never been any formal extinguishment of territorial claims in the province of Quebec.
6. The Department of Indian Affairs has been in communication with the provincial authorities with a view to obtaining some exceptional treatment for these Indians under the game laws. Up to the present, however, no concession has been made in the matter by the provincial authorities... The Government does not propose taking any special measures for the relief of these Indians, but will be prepared, in the event of the occasion arising, to extend some assistance to them out of the ordinary appropriation for the relief of Indians in the province of Quebec."<sup>1</sup>

By 1901, the Department of Indian Affairs was involved in the preliminary stages of preparing a Treaty in the James Bay area. It appeared at that time that areas both Ontario and Quebec, would be covered by the proposed treaty. On the 24th June 1901, Reginald Rimmer, the Department's Law Clerk, gave his opinion on the proposed treaties. He stated that, in the event of a treaty, both provinces should be made parties thereto; this proposal was in accordance with Art. 6 of The Dominion and Ontario Agreement

1. House of Commons Debates, 19 May 1897, p.2568-2569.

of 1894 which mentioned that Ontario would be a party to any future land cession treaties. But he suggested that some definite determination should be reached as to what should be the attitude of the Department upon questions still in dispute between the Dominion and the Ontario Government before entering into the proposed treaty.<sup>2</sup>

James A. Smart, Deputy Minister of Indian Affairs, gave his view on Rimmer's Paper on the 26th June 1901:

"That both Ontario and Quebec must be parties to the Treaty at least that any payments in connection with the Treaty should be made by the Provinces. Until due arrangement has been made nothing is to be done." <sup>3</sup>

On the 22 February 1902, J.A.M. McKenna submitted another report to the Minister of Interior (This report was subsequently approved by the Minister). McKenna called attention to the fact that the Indians in their petition (12 Dec. 1901) called themselves resident of "Ontario and Keewatin", whereas the map showed the district to be in Ontario and Quebec. He recommended that the matter be allowed to stand until the settlement of Half-breed claims would be completed, and even then the Treaty be confined to the district located in Ontario and Quebec and made in the form of an adhesion to the Robinson Huron Treaty with any desirable alterations in terms. He also recommended that the Provinces be not made parties to the Treaty, but that an understanding be reached with Ontario similar to the Robinson Huron Treaty settlement. <sup>4</sup>

On the 20th August 1902 Is. Evain (a Priest in the James Bay area) reported to the Department the result of an election at Abitibi Post:

"Bazile McDougall was elected chief, and four councillors as assistants, whose names are as follows: Louis McDougall, W. Watapé, Andrew McDougall and Antoine Chichichi". He added that: "Up to the present time they have been able to live on the results of the chase, but perhaps in the future before long they will be compelled to think of cultivating the soil, so they hope that they will get a reserve when the right time comes". <sup>5</sup>

J.D. McLean replying to the letter of Father Evain stated:

2. Proposed New Treaty in Ontario and Quebec, by Reginald Rimmer, 24 June 1901, RG 10 RED Vol. 3033, File 235225.
3. Notes accompanying Rimmer's letter, 26 June 1901, RG 10 RED Vol. 3033, File 235225.
4. Synopsis - Proposed Treaty with the Indians of District North of Robinson Superior and Huron Treaties, initialed by the Deputy Supt. General, 11 February 1908, RG 10 RED A0429157\_5-000437 35225.
5. Is. Evain to Supt. General of Indian Affairs, 20 August 1902, RG 10 RED

"I beg to say that, as the Department does not see any necessity for confirming the election held by the Abitibi Indians, and as it is not disposed at present to recognize them officially as a band, it is unable to comply with their request in this matter." 6

In 1903, the Department of Indian Affairs changed its view on the proposed treaty in the province of Quebec. This new approach was evident in an unsigned memorandum addressed to Mr. Sifton:

"So far as the Indians of Quebec are concerned, it is suggested that no treaty should be made with them or that any Quebec Indians living temporarily in Ontario should be included in the Ontario treaty, but we should endeavour to obtain an understanding from the Province of Quebec that as claims are made by the outlying tribes not included in those provided for by 14-15 Vic., Cap. 106, whereby 231,000 acres were set aside for the Indians, the Province should be willing to set apart at proper times suitable reserves. The Indian title in the Province of Quebec has never been recognized or surrendered as in the Province of Ontario, and, I presume that it is not proposed to change the policy in that regard.

While it is considered that neither Ontario nor Quebec should be parties to the Treaty, yet an understanding or agreement will be necessary from each with reference to the matters above referred to..." 7

The first signators to Treaty 9 in 1905 did not include the Abitibi Band.

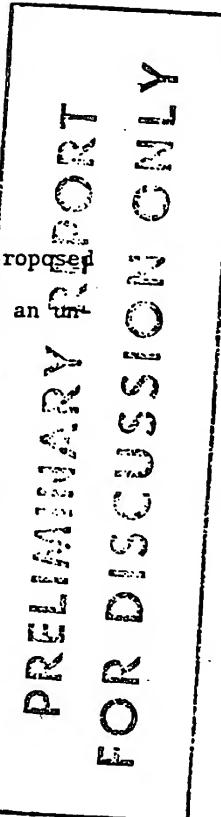
The Treaty Commissioners reported the reasons for the delay as follows:

"On the morning of August 29 we reached Lake Abitibi... until we can report the successful making of the treaty, which we hope to accomplish next year ... owing to the fact of the Indians belonging to the two provinces, Ontario and Quebec, it was necessary to draw a fine distinction, and where the explanations had to be most carefully made in order to avoid future misunderstanding and dissatisfaction". 8

The following year the Commissioners returned to obtain the adhesion of the Abitibi Band:

"On June 7, the looked-for Indians having arrived, a meeting was called for the afternoon of that day. Some difficulty was anticipated in negotiating the treaty at Abitibi owing to the peculiar position of the Indians who trade at that post. The post is situated a few miles within the province of Quebec, and the majority of the Indians who trade there belong to that province. It was natural for the Indians to conclude that, as it was the Dominion government and not the provincial government that was negotiating the treaty, no distinction would be made between those hunting in Ontario and those hunting in Quebec. The commissioners had, however, to state that they had no authority to treat with the Quebec

6. J.D. McLean to Rev. Is. Evain, 17 September 1902, RG 10 RED Vol. 2787, File 156468-35.
7. Memorandum to Mr. Sifton, 11 August 1903, RG 10 RED Vol. 3033, File 235225.
8. D.C. Scott - S. Stewart - D.G. MacMartin to Supt. General of Indian Affairs, 6 November 1905, in Treaty 9 A0429157\_6-000438 1964, p.10.



Indians, and that the conference in regard to the treaty could only be held with those whose hunting grounds are in the province of Ontario. The Quebec Indians were, however, given to understand that a conference would be held with them later, and that upon their signifying where they desired to have a reserve set apart for them, the government would undertake to secure, if possible, the land required by them at the place designated.

The policy of the province of Ontario has differed very widely from that of Quebec in the matter of the lands occupied by the Indians.

In Ontario, formerly Upper Canada, the rule laid down by the British government from the earliest occupancy of the country has been followed, which recognizes the title of the Indians to the lands occupied by them as their hunting grounds, and their right to compensation for such portions as have from time to time been surrendered by them. In addition to an annual payment in perpetuity, care has also been taken to set apart reservations for the exclusive use of the Indians, of sufficient extent to meet their present and future requirements.

Quebec, formerly Lower Canada, on the other hand, has followed the French policy, which did not admit the claims of the Indians to the lands in the province, but they were held to be the property of the Crown by right of discovery and conquest. Surrenders have not, therefore, been taken from the Indians by the Crown of the lands occupied by them.

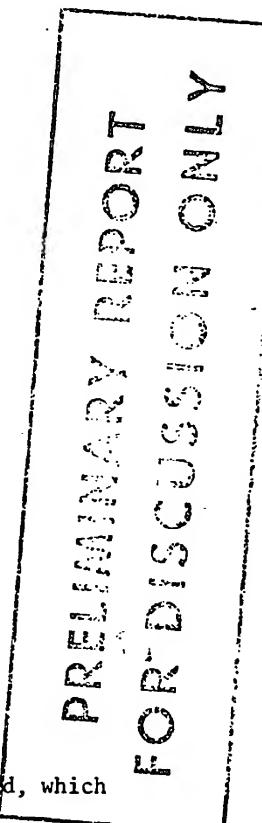
The reserves occupied by the Indians within the province of Quebec are those granted by private individuals, or lands granted to religious corporations in trust for certain bands. In addition, land to the extent of 250,000 acres was set apart and appropriated in different parts of Lower Canada under 14 and 15 Vic., chap. 106, for the benefit of different tribes.<sup>9</sup>

The following day an election of a chief and councillors was held, which resulted in Louis McDougall, Jr., being chosen as chief and Michel Penatouche and Andrew McDougall as councillors for the Ontario Bands. Subsequently,

"Payments of annuities were made with great care, in order that only those Indians whose hunting grounds are in Ontario should have their names placed on the list. The commissioners are satisfied that in the performance of this duty they were successful."<sup>10</sup>

With regard to the Quebec Band living near Abitibi Lake, the Commissioners stated:

"The Quebec Band elected as Chief Isha Mychenny and as Headmen John Kishapish and John George Cuitche. In the afternoon a meeting was held with the whole Quebec Band. Mr. Stewart addressed them explaining the situation fully. Mr. Geo. Dreaver interpreting. Afterwards the Chief and headmen came to the Commissioners' tent and discussed the question of a reserve. They wish land

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9. D.C. Scott - S. Stewart - D.G. MacMartin to Supt. General of Indian Affairs, 5 October 1906, in Treaty 9 Booklet, Ottawa, 1964, p.13.
  10. D.C. Scott - S. Stewart - D.G. MacMartin to Supt. General of Indian Affairs, 5 October 1906, in Treaty 9 Booklet, Ottawa, 1964, p.14.

about a day's journey north of the transcontinental up White Fish River on a lake called Stump Lake or Root Lake. They hope that the Priest will be able to bring up a Teacher for the summer months. The Commissioners promised to advise to that effect." 11

However, those members of Abitibi Band who were living in Quebec were not considered treaty Indians and did not receive annuity payments in 1906.

A provincial (Ontario) Order-in-Council, dated 13th February 1907, set aside 19,200 acres of lands for the use of Abitibi (Ontario) Band as reserve No.70. During the summer of the same year, 124 Indians of this Band were paid \$496.00 as annuity payments. 12

On the 22nd June 1908, the Abitibi Ontario Band and the Abitibi Dominion Band signed an agreement in which the Abitibi Ontario Band

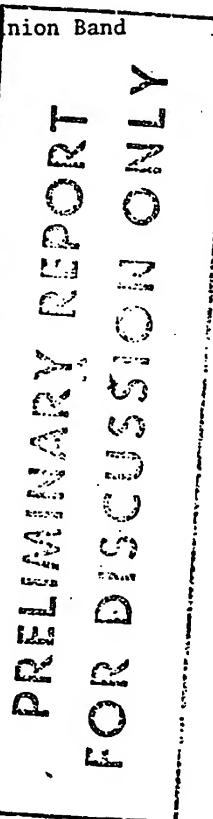
"agree to admit the parties of the Second Part (Abitibi Dominion) and their descendants into their band, and allow them as members thereof to have, hold and possess forever an undivided interest in all land and other privileges now possessed and enjoyed..." 13

This agreement also stated that the Abitibi Dominion Band

"having had communication of the Treaty made with the Abitibi Indians and signed on the 7th day of June 1906, known as Treaty No. 9, hereby in consideration of the provisions of the said Treaty being extended to them (it being understood and agreed that the said provisions shall not be retroactive) transfer, surrender and relinquish to His Majesty the King, his heirs and successors, to and for the use of the Government of Canada, all their right, title and privileges whatsoever, which they have or enjoy in the territory described in the said Treaty, and every part thereof, to have and to hold to the use of His Majesty the King, and his heirs and successors forever." 14

Finally both parties

"agree to accept the several benefits accorded by the Treaty aforesaid, payment of annuity at the rate of \$4.00 per capita (the said payment not to be retroactive) and an interest in land as before mentioned, waiving all claims to the allotment of a Reserve in the Province of Quebec or any other part of the Dominion of Canada. And the said Parties of the Second Part solemnly engage to abide by, carry out and fulfil all the stipulations, obligations and conditions contained in the said Treaty No.9 on the part of the Chiefs and Indians therein named to be observed and performed, and the said Parties of the Second agree in all things to conform to the articles



11. Treaty 9 Commissioners Diary, RG 10 RED Vol. 3033, File 235225.
12. Annuity Paylists of 1907.
13. O/C P.C. 1593, 22 July 1908, RG 2, 1.
14. Ibid.

of the said Treaty, as if they themselves had been originally contracting parties thereto and had attached their signatures to the said Treaty." 15

The Order-in-Council P.C. 1593, dated 22nd July 1908 confirmed this agreement and gave the reasons for the amalgamation:

"that locality are all practically one band and were unaware that the provincial boundaries could in any way affect their status. It was therefore difficult for them to understand, when the Treaty was being negotiated, the apparent discrimination against those of them whose hunting grounds happened to be in the Province of Quebec, the latter Indians naturally feeling that they were being unfairly dealt with in not being allowed to share in the benefits which, under the terms of the Treaty, were being accorded the Ontario members of the community.

That in order to bring about a better feeling on the part of the Quebec Indians, it was desirable to take some special action, and the Commissioners, on their return to Ottawa, recommended for submission to the Abitibi Indians the terms of settlement." 16

In July 1908, the Abitibi Dominion Band received for the first time annuity payments - 150 Indians paid \$600.00. 17

On the 1st December 1910, to offset mining claims on the reserve, a provincial Order-in-Council (amended 12 April 1918) set aside in trust for the Abitibi Band, 39 acres of land.

From 1918 to 1942, documentation on these two bands is very sparse. However, it seems that neither band ever resided on the Abitibi Ontario reserve. Hugh

R. Conn reporting on Indian Reserve No. 70 stated:

"The above reserve ... was set aside as a reserve for the Abitibi Indian Band in 1908 but has up to date never been used except by two Indians - John and Alex Black - who trap there during the winter months. H. Larivière ... proposes to set this band up on a new reserve north of Amos on the Harricanaw River." 18

Referring to the above request, Jude Thibault, Inspector of Indian Agencies, reported on 6 February 1942:

"The two Bands are not occupying the said Reserve, but have, so far, been living together during the summer months, on the Hudson's Bay Co.'s site ... When Fall arrives, the Ontario Abitibi Indians go to Low Bush, Ontario, while the Dominion Abitibi Band spend the winter months in the vicinity of La Sarre and Amos ...

15. Ibid.

16. Ibid.

17. Annuity Paylists, 1908.

18. Hugh R. Conn Report of Indian Reserve No. 70, 20 January 1942,  
File 371/30-3-70.

These Indians are all squatters and the suggestion is made to locate the three groups (Dominion Abitibi (129) - Ontario Abitibi (77) - Rupert House group (67), if at all possible, together on the Harricana River." 19

The question of a new reserve for the Abitibi Dominion Band was finally settled in 1958 when the Order-in-Council P.C. 1387 of 10th October set apart for the use and benefit of this band 129.39 acres of land as Amos Indian Reserve No. 1.

The latest report on the Abitibi Dominion Band, by W.C. Bethume in 1960 described the situation as follows:

"Today two separate Bands (Ontario Abitibi and Dominion Abitibi) lists are maintained and the groups are treated as two separate Bands regardless of the intent of this agreement. Insofar as Band ownership is concerned it would seem to me that both Bands had an undivided interest therein although I am not sure as to what the situation is on the ground." 20

In conclusion, it might be said that only one band residing in the Province of Quebec has ever signed a land cession treaty - that covering lands in the Province of Ontario. They did however surrender their interest, right, title and "Privileges whatsoever in the territory described in the Treaty and in the Province of Quebec or elsewhere in the Dominion." (The territorial boundaries of Treaty 9 did not extend beyond the eastern boundaries of the Province of Ontario.)

Treaties,  
February 1973.

19. Jude Thibault to Dr. McGill, 6 February 1942, File 371/30-1.

20. W.C. Bethume to C.I. Fairholm, 5 April 1960, File 371/30-3-70.

BAND COUNCIL RESOLUTION  
RÉSOLUTION DE CONSEIL DE BANDE

124

BAND FUNDING - Capital or "Provision", whichever is the case, must appear in all resolutions concerning expenditures from	
the funds of our Bande ("Capital" ou "provision" selon le cas) doivent faire les deux fois les résolutions portant sur les dépenses à	
titre de notre Bande ("Capital" ou "provision" selon le cas) doivent faire les deux fois les résolutions portant sur les dépenses à	
NAME OF THE	
NAME OF THE BANDE INDIENNE	Abitibi Dominion
NAME OF THE DISTRICT	Abitibi District
NAME OF THE PROVINCE	Quebec
NAME OF THE TERRITORY	ABOS
DATE - JOUR	19
MONTH - MOIS	November
YEAR - ANNÉE	AD 19 74
Current Capital Balance Solde du capital	\$ _____
Committed - Engaged Current Revenue balance Solde de revenu	\$ _____
Committed - Engaged	\$ _____

DOES BY RESOLVE:  
PAR LES PRÉSENTES: THAT, whereas a timber contract has been formally signed  
between Her Majesty the Queen on behalf of the Abitibi  
Band, Quebec, and the Abitibi Land, Ontario, and J.H. Hornick Incorporated,  
P.O., for the cutting and sale of timber from the Abitibi Dominion Indian  
Reserve No. 70.

WHEREAS the Abitibi Dominion Quebec Band's share of the timber dues accruing  
under this contract will represent approximately eighty percent of the funds paid by  
the contractor for timber dues under this contract.

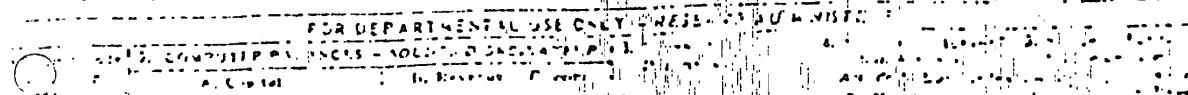
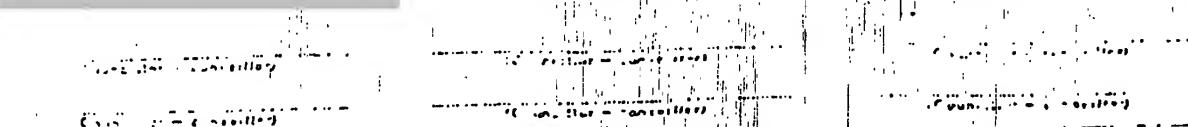
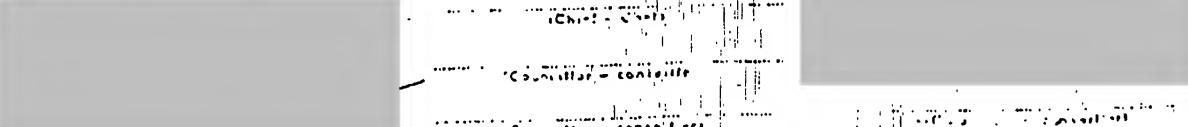
WHEREAS a sum of \$15,000 is being held by the District Office, Indian Affairs  
and Northern Development, Val D'or, P.Q., against satisfactory completion of the  
contract by J.H. Hornick Incorporated.

DOES BY REQUEST that the Minister of Indian Affairs and Northern Development guarantee  
that we are requesting from the Banque Canadienne Nationale, Abos, Quebec, in an amount  
not to exceed \$30,000, for housing construction on our reserve. We herewith undertake  
to Minister to apply all timber dues received by our band against the loan of \$30,000  
until it is fully retired.

Signature for this Bande  
Signature de la bande

Date of  
Signature

Band Member  
Membre de la Bande



FOR DEPARTMENTAL USE ONLY - NECESSAIRE SEULEMENT POUR L'EMPLOI DÉPARTEMENTAL

1. FOR APPROVAL OR REJECTION - SOUSCRIT OU RECHUS

2. APPROVED OR REJECTED - SOUSCRIT OU RECHUS

3. APPROVAL DATE - DATE DE SOUSCRIT

OTTAWA, Ontario K1A 0H4.

Our file 371/28-2-11

District Manager,  
(Indian & Inuit Affairs),  
Abitibi District, Que.

Attention: Ms. E. DesGagné

Division of Revenue - Abitibi IR #70

This will confirm the telephone conversation December 1, Peacock/DesGagné concerning the division of income from the joint ownership of Abitibi Indian Reserve No. 70 to the separate bands of Abitibi Dominion and Abitibi Ontario.

Documentation located here to date shows that the income from this reserve should be credited on a per capita basis. Our records show that the recent past division of funds resulting from the J. H. Normick timber operation has been divided on the basis of 80% Abitibi Dominion and 20% Abitibi Ontario, which apparently represented the per capita relationship.

Attachments

- (1) Copy of Memorandum to Deputy Minister, September 17, 1951, approved by the Minister, regarding the division of the Abitibi Band and the procedure to follow related to income from the Abitibi Indian Reserve No. 70.
- (2) Copy of B.C.R. #12 dated February 2, 1972, related to the division of funds on a per capita basis.
- (3) Copy of B.C.R. #124 dated November 19, 1974, acknowledging that the timber dues represents only approximately eighty percent of the funds paid by the contractor.
- (4) Copy of letter from the District to Region dated Jun 29 1977 12-000444 stating that based on information on file the division of funds



is to be on the basis of 80% and  
20%.

It would appear that because the per capita payment in the past approximated the eighty/twenty percent split, it is assumed that this is indeed the case. However, as indicated above, we can find no authorization for the division of funds to be made except on the basis of a per capita payment in accordance with the Memorandum to the Deputy Minister of September 17, 1951.

R. B. Kohls,  
Director,  
Membership & Statutory  
Requirements Branch,  
(Reserves and Trusts)

**Pages 446 to / à 450  
are not relevant  
sont non pertinentes**

Minister of Indian Affairs  
and Northern Development

Ministre des Affaires  
indiennes et du Nord canadien

Released under the Access  
to Information Act  
Communiqué en vertu de la  
Loi sur l'Accès à  
l'information

A126042

APR 23 1987

Chief Lindbergh John Louttit  
Wahgoshig Band  
190 3rd Ave.  
P.O. Box 1499  
COCHRANE, Ontario  
POL 1C0

Dear Chief Louttit:

Thank you for your letter dated March 2, 1987 regarding the Wahgoshig Band's timber rights.

As you know, your band shares timber rights on the Abitibi Dominion Reserve with the Abitibiwinni Band in the Province of Quebec. For a number of years, the Quebec Region has issued licenses for timber operations on the Abitibi Dominion Reserve and consequently they have the records of the revenues generated from the timber sales.

Your contact person for this matter will be Mr. Jacques Rivet, Manager, Lands, Revenues and Trusts in the Quebec Region. His address is:

Department of Indian and Northern Affairs  
320 East St. Joseph Street  
P.O. Box 3725, Saint-Roch  
QUEBEC, Quebec  
G1K 7Y2

I understand that your legal counsel will be supplying this department with additional information and documentation in order that the band's allegations may be properly addressed; this information may be sent directly to Mr. Rivet in the Quebec Region who will in turn answer your request.

Yours sincerely,

ORIGINAL SIGNED BY  
ORIGINAL SIGNÉ PAR  
**BILL MCKNIGHT**  
Bill McKnight

G. PILON/LR&T(Ops)994-9547  
April 1, 1987

nb  
c.c. G. Swan/LR&T(Ops)  
Don Stead, Ont. Region  
Howard Fanjoy, Sudbury Dist.  
Jacques Rivet, Quebec Sector

Ottawa Canada K1A 0H2

P.A./B-8240-2/01  
SPECIFIC CLAIMS

(L)

5820-23<sup>3</sup>  
njk

MAY 13 1987

DEPUTY MINISTER

Allegations by Chief Lindbergh Louttit  
Wahgoshig (Abitibi No. 70) Band Regarding  
Revenues on Disposition of Timber Resources

Further to our conversation yesterday on the above noted topic, I found that the matter has been the subject of correspondence with the Minister (see attached copies of Chief Louttit's letter of March 2 and the Minister's response dated April 23) and that the matter is being handled through the Quebec Region.

Although the Abitibi Dominion Reserve is in Ontario, the band comes under the Quebec Region for the administration of timber rights. The timber issue is apparently related to the problem of resource revenue sharing with the Abitiwinni Band in Quebec and I understand that the designated officer in the Quebec Region, Jacques Rivet, is looking into that as well. It seems that there may be some sort of agreement on revenue sharing between the bands dating back to 1908.

I spoke to Frank Vieni yesterday afternoon and he has undertaken to have a full briefing on the issues prepared for you.

Original Signed by  
J. R. GOUDIE  
A signé l'original  
J.R. Goudie  
Director  
Specific Claims Branch

Attachs.

c.c. F. Vieni  
R.B. Kohls  
G. Swan

GOUDIE/hr  
HP/Louttit/page 2  
May 13, 1987

P15591  
Rec'd A.I.

WAHGOSHIG RESERVE  
(ABITIBI #70)  
190 3RD AVENUE, P.O. BOX 1499  
COCHRANE, ONTARIO, P0L 1C0  
705-272-3025

May 20, 1987

District Superintendent  
Reserves & Trusts  
Sudbury, Ontario

Re: Wahgoshig Band Trust Funds

Would you kindly provide our Band Council with a summary of all funds transferred from our Trust Fund to the Abitibiwinni Band Trust fund, since 1908.

Your usual kind cooperation is most appreciated.

Yours truly



Lindberg John Louttit  
Chief  
Wahgoshig Band (Abitibi #70)

INDIAN AFFAIRS  
SUDBURY DISTRICT

MAY 25 1987

61984

**Pages 454 to / à 455  
are not relevant  
sont non pertinentes**

Mr. G. Swan  
Director  
Lands, Revenues and Trusts  
(Operations)  
Indian and Northern Affairs Canada  
Ottawa, Ontario  
K1A 0H4

Your file: Your reference:  
Our file: Notre référence:  
5820-233 (11)

RE: Wahgoshig Band Timber  
Abitibi Indian Reserve No. 70

Further to our telephone conversation of the May 22/87, I enclose herewith a copy of the 1908 Agreement (Abitibi 70 and Abitibi 55).

Mr. H. Fanjoy, of the Sudbury District, has raised several points that require clarification and perhaps in this instance they may be better dealt with by Headquarters and also Legal Services, Ottawa.

The points in question being:

- 1) Based on the 1908 agreement was Abitibi 70 deprived of their right to additional lands?
- 2) It would appear that Abitibi 55 (Quebec) is filing a land claim now--does or would Abitibi 70 (Wahgoshig) benefit also?
- 3) According to Mr. Fanjoy, the 1908 agreement states that the Abitibi 55 band (Quebec) shall not have a reserve in Quebec. It is my understanding that they do, and that they also have their own individual trust account.
- 4) Under the terms of the 1908 agreement 80% of all revenues generated on Abitibi 70 are credited to the Abitibi 55 band (Quebec).
- 5) Are any revenues generated on Abitibi 55 and if so, is Abitibi 70 eligible to receive a portion of same based on the 1908 agreement?
- 6) Distribution is based on an 80-20 split, should not a per capita distribution be in place?

Canada

-2-

- 7) Abitibi 70 (Wahgoshig), is in the negotiating stages re:  
the development of cottage lot leasing and also the sale  
of water.

These endeavors if implemented will generate a  
substantial revenue.

Abitibi 70 (Wahgoshig) has expressed concern to Mr.  
Fanjoy, however, about proceeding because of the 1908  
Agreements apparent application.

Your review of the above and eventual response would be  
appreciated.

D.D. Stead  
Manager  
Memberships, Estates and  
Statutory Requirements  
Lands, Revenues and Trusts  
Ontario Region

25 St. Clair Avenue East  
Toronto, Ontario  
M4T 1M2

Encls.

**Pages 458 to / à 459  
are not relevant  
sont non pertinentes**



Energy, Mines and  
Resources Canada

Earth Sciences  
Room 901  
25 St. Clair Ave. E.  
Toronto, Ontario  
M4T 1M2

Énergie, Mines et  
Ressources Canada

Sciences de la Terre

June 25, 1987

188100

1987 JUN 30 A 10:54

Your file Votre référence

5673-06172

Our file Notre référence

5206-A1

Item C.P. 1-80 Ont.

Mr. E.G. Morton  
Director Lands, Revenues and Trust  
Ontario Region  
Indian and Northern Affairs Canada  
5th floor  
55 St. Clair Avenue East  
Toronto, Ontario  
M4T 2P8

Attention: Mr. Jim Wells

Subject: Provisional Plan of Abitibi Indian Reserve No. 70  
Ontario (CLSR 67465).

Reference: Letter dated June 9, 1987 - Bailey-Hill

I have perused the documents which were used to compile this plan  
for the above reserve and concur with the location of the boundaries  
as shown.

Attached to this letter are copies of the following:

1. John H. Shaw's, O.L.S., report, included with his field notes (FB473 CLSR).
2. Corresponding Plan T886.
3. Mr. Shaw's Survey Instructions, dated 1907.

It appears from the Survey Instructions (dated 1907) that the left bank of the Kaguaquechewaig creek was intended to be part of the reserve boundary and not the extension of the East rectilinear boundary of the reserve to the shore of Lake Abitibi. These state that the reserve is to be.... "of sufficient depth between the said creek and Eastern boundaries of the Townships of Milligan McCool to give an area of 30 square miles." They also state that "... the Lakeshore and the creek above mentioned are to be traversed."

On the original plan (T886 CLSR) the red border extends only up to the creek's left bank. His field notes corroborate this as well (FB 473 CLSR).

I believe that the compiled Plan is correct. We have not found any contrary evidence as to the location of this boundary.

Yours truly,

*J.L. Hill*  
for J.L. Hill, O.L.S., C.L.S.  
A/Regional Surveyor, Ontario  
Legal Surveys Division

GCH : 1b

ABILITY



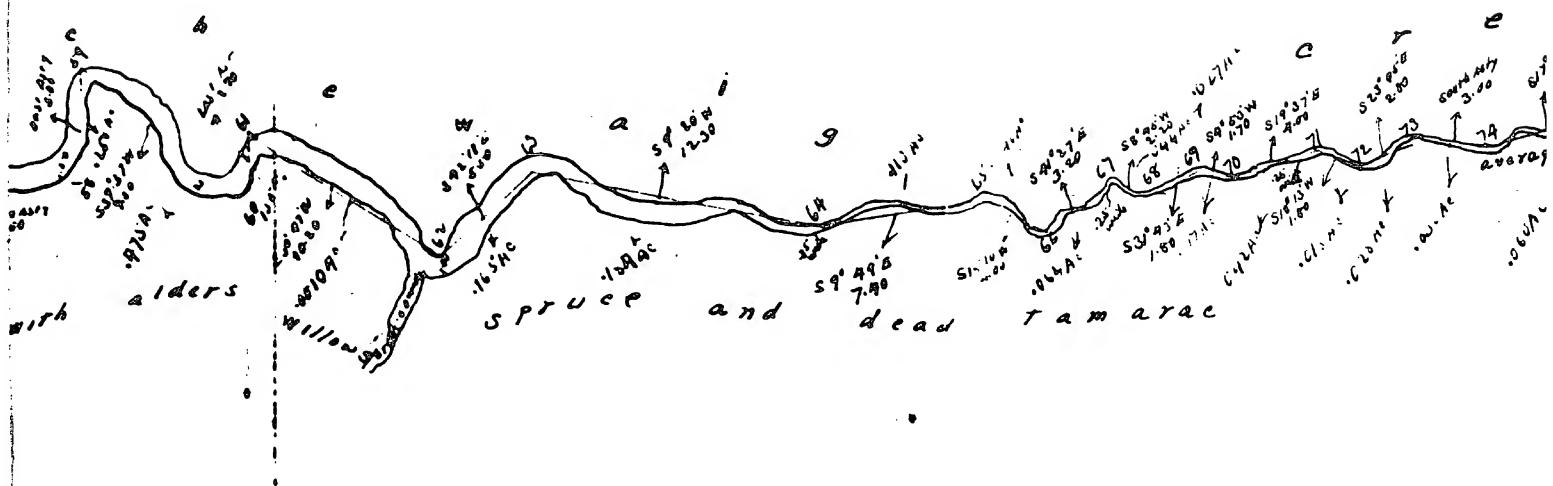
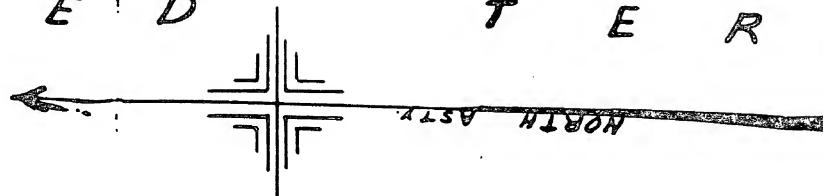
E Y E R U S N

Sa/0 : 0/205

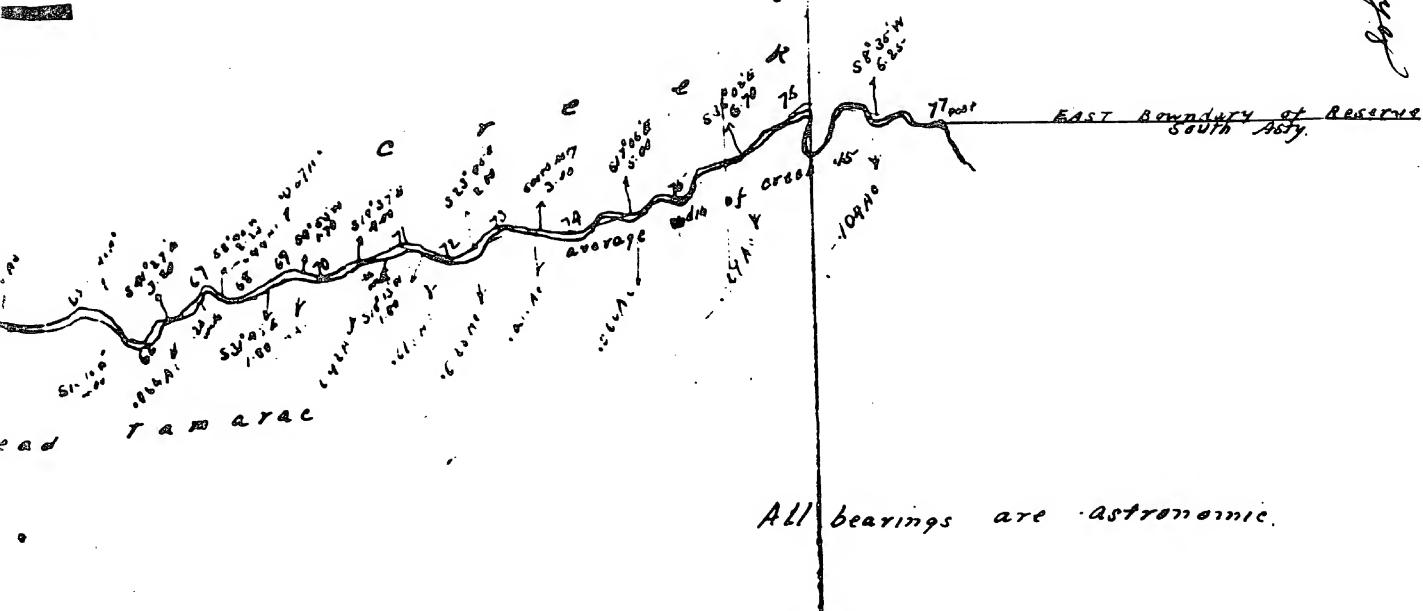
# Fishid Notes of the travels

traverse to Niagara Akechewaig Creek  
Scale: -~~500~~ 1 inch.

*y E ! d*



R I T O R Y





DEX

A:	Affaires indiennes et inuit, OTTAWA, (Ontario)	DATE : Le 1er février 1979
	Attention: Monsieur G.A. Poupore, Directeur, gestion foncière	DOSSIER NO. : 371/30-1-1
		NOMBRE DE PAGE : 1
DE : BUREAU REGIONAL, QUEBEC	PAGE : <u>1</u> DE <u>1</u>	

MESSAGE :

OBJET: Avis de procuration -  
Achat de terres - Amos #1

Suite à l'approbation en principe du Sous-ministre, monsieur R.D. Brown, pour l'achat d'un terrain de 92 acres à être ajouté à la réserve indienne d'Amos, monsieur Pierre Champagne, Représentant régional du Ministère de la Justice, vient de nous confirmer qu'il a terminé sa recherche de titres à l'égard du lot 25, rang 2, à Amos.

Veuillez nous faire parvenir un avis de procuration sous seing privé afin qu'un représentant du Ministère soit autorisé à signer le contrat d'achat.

Nous recommandons la nomination de monsieur Robert Michael Connally, Directeur général, Région du Québec, comme représentant du Ministère dans cette affaire.

Directeur,  
Administration des terres,

Yvon Gosselin.

YG/cla

c.c.: District d'Abitibi.

CONFIRMATION
TRANSMIS PAR TÉLÉPHONE
LE: 2 février 1979
HEURE: 14/140
PAR: Denise B.

Indian and  
Northern Affairs

Affaires indiennes  
et du Nord

OTTAWA, Ontario K1A 0H4  
November 21, 1978.

Regional Director General,  
(Indian and Inuit Affairs)  
STE-FOY, Quebec.

Your file Votre référence

Our file Notre référence 411/30-20-70

Attention: Gaétan Pilon

Abitibi Indian Reserve No. 70

-- Further to the telecon (Fawkes/Pilon) of November 17, 1978 please  
find enclosed copies of the following material:

Abstract for Abitibi #70 from Reserve General Register  
Ontario Order-in-Council of February 13, 1907  
O.C. P.C. 1908-1593  
Agreement between Abitibi Indians of Quebec and Ontario,  
June 22, 1908  
O.C. P.C. 1907-2499

I trust you will find these documents useful.

G. A. Poupart,  
Director,  
Lands Branch.

P.S. 12/1 Encl.

REF ID: A629167

IE 29-11-78

PAR Ela

Department of  
Indian Affairs and  
Northern Development



Ministère des  
Affaires indiennes et  
du Nord canadien

Quebec Regional Office.

AM OS  
375 Central Avenue  
Val d'Or, P.P., February 19, 1971

Attention: Mr. V.J. Caissie,  
Regional Superintendent of Economic Dev.

our file notre dossier  
your file votre dossier

371/30-1  
301/30-1(CRN)

Annual legal land survey program

This is with reference to your letter of January 12, 1971, dealing with annual legal land survey program.

In our letter of January 5, 1971, we informed that Lake Simon and Amos Reserves had been contacted and that the Band Councils concerned were not ready to submit their requirements.

We are again asking Lac Simon and Abitibi Dominion Bands to consider this matter if they foresee the needs of land surveys. Copies of our letters are attached for your information.

*A. Lalonde*  
A. Lalonde,  
Program Administrator,  
Abitibi District

A. Lalonde:dg

Encl.

Department of  
Indian Affairs and  
Northern Development



Ministère des  
Affaires indiennes et  
du Nord canadien

Mr. Mohamed Kastabish, Chief,  
Abitibi-Bonapartie band,  
Indian Reserve,  
Amos, Quebec.

275 Avenue Central  
Val d'Or, P.Q., February 19, 1971

371/30-1

Dear Chief:

I would like to know if your Band Council has now assessed the needs for land survey requirements on the Amos Indian Reserve.

If this has not been done and if you foresee having land surveys carried out in the coming years I must bring to your attention one of the instructions contained in the "Administrative Requirements & Procedures" for submitting legal land survey requests.

Therefore to comply with this instruction, I wish to have you bring to the attention of all your Band Council that in future all bands will have to make sure that their requests are prepared with due consideration in line with the instructions as given by Ottawa. Furthermore, any requests for surveys to be made in the following year must be forwarded to Regional Office to be checked and submitted to Ottawa not later than December 1st preceding the year in which the work is to be carried out. This means that you have to submit a request that will have to reach our office at least two weeks before December 1st referred to above.

For example, if you need to request a land survey for 1972-73 you would have to submit it to our District Office not later than November 15, 1971.

Please govern yourself accordingly.

Yours truly,

ORIGINAL SIGNED BY  
ALBERT LALONDE

A. Lalonde,  
Program Administrator,  
Abitibi District.

A.Lalonde:dg

**Pages 471 to / à 472**

**are not relevant**

**sont non pertinentes**

371/30-1-Amos (PL)

December 17, 1969.

Surveyor General,  
Legal Surveys Division,  
Dept. of Energy, Mines & Resources,  
Ottawa, Ontario.

Dear Sir:

We acknowledge receipt of two (2) prints of plan #5117-Amos  
Indian Reserve.

Would it be possible to obtain copies of plans 2093B and  
2093C-Amos Reserve as requested to our Regional Office.

Thanks.

Yours truly,

Original signé par  
P. Lainesse

P. Lainesse (Miss),  
For/Acting District Supervisor,  
Indian Affairs Branch,  
Abitibi District,  
950-3rd Avenue,  
Val d'Or, P.Q.

/ed

**Pages 474 to / à 524  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**23**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**